PERSONAS DE VARIAS CLASES Y COLORES: FREE PEOPLE OF COLOR IN SPANISH NEW ORLEANS, 1769-1803

Ву

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Copyright 1991 by Kimberly S. Hanger To the memory of my mother, Marillyn Gloria Wells Stuckenschneider, for her constant assistance, encouragement, and love.

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KEY TO ABBREVIATIONS

- AGI PC=Archivo General de Indias, Papeles Procedentes de la Isla de Cuba
- AGI SD=Archivo General de Indias, Audiencia de Santo Domingo
- AGS GM=Archivo General de Simancas, Guerra Moderna
- HTML=Howard-Tilton Memorial Library, Tulane University

LH=Louisiana History

LHC=Louisiana Historical Center, Louisiana State Museum

LHQ=Louisiana Historical Quarterly

- LLMVC=Louisiana and Lower Mississippi Valley Collections, Louisiana State University Libraries
- 1778 Census="Censo de Nueva Orleans del mes de junio de 1778," AGI PC 191
- 1791 Census=Census of the City of New Orleans, 6 November 1791, NOPL
- 1795 Census="Recensement du 1er, 2me, et 3me Quartiers," July 1795, AGI PC 211
- NOPL=Louisiana Division, New Orleans Public Library
- OPNA=Orleans Parish Notarial Archives
- PDLC=Petitions, Decrees, and Letters of the Cabildo, NOPL
- RDC=Records and Deliberations of the Cabildo, NOPL
- SJR=Spanish Judicial Records, Record Group 2, LHC
- THNOC=The Historic New Orleans Collection

Abstract of Dissertation Presented to the Graduate School of the University of Florida in Partial Fulfillment of the Requirements for the Degree of Doctor of Philosophy

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The origins of antebellum New Orleans' large, influential, and propertied free black population, unique to the United States South, can be found in the Spanish colonial period. During the Spanish regime demographic, economic, political, and military conditions meshed with cultural and legal traditions to favor the growth and persistence of a substantial group of free pardos and morenos. Interpersonal relations in this small community on Spain's northern frontier ameliorated prejudice, facilitated familiarity among persons of all races, nationalities, and classes, and enabled individuals to advance, always within acceptable limits, on their own merit or with the aid of kin connections. Only when lower Louisiana's plantation system matured and slavery intensified with profitable sugar cultivation during the initial years of United States rule,

did officials and planters together restrict manumission and free black activities.

Over the three and a half decades of Spanish rule free persons of color in New Orleans made their greatest advances in terms of demographics, privileges, responsibilities, and social standing. In desperate need of allies and laborers, Spanish authorities fostered growth of a free black population. Not all slaves sought freedom, a state that free persons of color rarely enjoyed to the extent that whites did, but those who did yearn for liberty were more likely to succeed under Spain's dominion than France's or the United States'. African Americans astutely availed upon legal, demographic, economic, and political conditions in Spanish New Orleans not only to gain freedom, but also to attain decent living standards and advance their social status, or at least that of their children. Free blacks in New Orleans played an essential role in the economy, defended the city, secured the safety of its citizens, bought, sold, and inherited property (including slaves), took part in social and leisure activities, and occasionally challenged the ruling order. Research presented here adds to a growing body of information on free blacks in colonial Latin America, the Caribbean, and the United States. It underlines the importance of free blacks as active, vital participants in the colonial experience of the Americas.

CHAPTER 1 INTRODUCTION

Free People of Color in American Slave Societies

The role of free people of color in American slave societies, the nature of these societies, and race relations within them have at times constituted intensely contested topics. Frank Tannenbaum's broad generalizations initiated the debate in the 1940s. Drawing upon sociologist Gilberto Freyre's interpretation of slavery in Brazil, Tannenbaum asserted that a colonizing nation's institutions, laws, and traditions exerted the greatest influence on slave treatment in its American dominions and that this treatment in turn influenced the quality of race relations between free persons and freedpersons. Both the tenets of Catholicism and Spain's legal system, founded upon Roman and Germanic law and encoded in Las siete partidas, emphasized the slave's humanity, favored freedom as the ideal state of humankind, and promoted stability through paternalism and family formation. At the other extreme Anglo common law and protestantism placed the individual and protection of property rights above all other considerations. Tannenbaum thus ranked Spain first, followed by France, Holland, and last Britain, with respect to favorable slave treatment and

race relations.¹ Like Tannenbaum, Stanley Elkins attributed the harshness or mildness of slave societies to the cultural values of various colonizing nations and linked conditions under slavery to former slaves' acceptance in the postemancipation order.²

Other scholars have charged that the Tannenbaum-Elkins school bases its assertions on ideal rather than actual circumstances; they point instead to material factors in assessing American slave systems. 3 Such variables included demographic composition, economic cycles, type of crop produced or labor performed, size of the production unit, climate, distance from the center of authority, and major historical events such as wars and revolutions, ideological as well as political, economic, or social. All these factors varied temporally and spatially; they defy the neat categorization of slave systems by national world view. A leader in this challenge to the Tannenbaum-Elkins thesis. David Brion Davis, agreed with Tannenbaum that "American society took a great variety of forms," but unlike Tannenbaum, Davis attributed this diversity to "economic pressures and such derivative factors as the nature of employment, the number of slaves owned by a typical master, and the proportion of slaves in a given society."4

As seen from the above discussion, scholars have used as one measure of a slave system's relative openness or repressiveness the ease of manumission and acceptance of

free non-whites in the dominant white society. Some, such as Tannenbaum, see a positive and others, such as Degler, an inverse relation. In the latter case, abused slaves found allies among government and ecclesiastical authorities who readily supported their claims to freedom or sale to a more lenient master and thereby curbed the power of hostile planter elites. Such paternalistic institutions characterized Latin countries, whereas Anglo cultures touted individualism, modernization, and laissez faire principles that discouraged public interference in private matters.5 Yet another group has argued that there was no correlation between slave treatment and post-emancipation race relations at all. 6 On one point, however, all agreed: "Racism was a part of every American system that held African slaves and did not disappear when blacks and mulattoes became free citizens and economic and social competitors," only its intensity varied.7

The anomalous position of free African Americans within larger slave societies has attracted the attention of numerous investigators, many of whose findings inform this work. Few students of Louisiana, however, have searched for the origins of antebellum New Orleans' large, influential, and prosperous free black population, unique to the United States South, in the Spanish colonial period. This lack of adequate, in-depth analysis holds true for many aspects of Spanish Louisiana's history. The modern revisionist

historian Jack D. L. Holmes correctly notes that "too few historians have analyzed the Spanish period," and that there is "a virtual neglect of the Spanish period from 1762 to 1806 in the text-books of American and even local and state histories."8 General scholarly and popular histories, works on specific topics in colonial Louisiana history, free black studies for the southern United States, and broad studies of free blacks in Louisiana from its founding to the Civil War comprise the literature that deals in some respect with free persons of color in New Orleans during the Spanish era. These works, however, devote only one or part of a chapter or intermittent, random comments to this topic. In addition, many researchers rely upon earlier undocumented narratives of Louisiana, incorporate such abstract phrases as "quite typical" rather than concrete figures, present varying population figures, and ignore the possibility that conditions, size, fortunes, and makeup of the free black population changed over the last half of the eighteenth century. Fortunately recent scholarship from Gwendolyn Midlo Hall, Ulysses S. Ricard, Paul F. Lachance, and Thomas Marc Fiehrer is remedying these shortcomings.9

Within the debate over comparative characteristics of slave societies, my own work discerns a combination of cultural-legal traditions and material conditions, with the latter having greater influence, in assessing the role of free people of color in Spanish New Orleans. Spain installed its officials and institutions in Louisiana for only a short time and had to compete with firmly entrenched French cultural patterns. Spanish traditions, however, had their most lasting effect in New Orleans, the colony's administrative center. It was in New Orleans that Spanish laws protecting slaves and free blacks and advancing their interests came to full force and where the urban environment fostered an economic and demographic setting favorable to the rise of a notable free population of color. Even though a chasm often separated legal and institutional ideals from material reality, "the emphasis on a slave's humanity and rights, and the lenient attitude toward manumission embodied in Spanish slave codes and social practice," did make it possible "for a significant free black class to exist in the Spanish world," a world that encompassed New Orleans in the last four decades of the eighteenth century. 10

In New Orleans slaves and free blacks had more rights and opportunities, exercised those rights more readily, and received better treatment under Spanish rule than under either French or United States rule, but this was due more to material than cultural factors. Spanish New Orleans' still primarily frontier, peripheral society facilitated personal, often intimate relationships that encouraged familiarity among persons of all races, nationalities, and classes. Only when lower Louisiana's plantation system matured and slavery intensified with the rise of sugar

during the last years of Spain's dominion and into the nineteenth century, did state officials and planters together limit access to manumission and free black activities. The specter of slave revolt in Saint-Domingue, Louisiana, and other parts of the United States fueled white paranoia, as discrimination escalated and race relations deteriorated. 11 Findings presented in this dissertation accord with Fiehrer's analysis of trends in the region: "Louisiana (simultaneously with Cuba) underwent the same cycle of expansion and intensification of slavery after 1800 which had occurred in Saint-Domingue between 1750 and 1794:" and with Genovese's generalization that "during the slave period in all countries intensification of racial antipathy followed commercialization and the ascendancy of bourgeois slaveholding classes."12 As commercialized sugar and Anglo-Americans gradually dominated the state's economy and political structure, free persons of color found their rights and privileges reduced, their free association limited, and their strategic worth devalued.

Primary Sources, Methodology, and Terminology

Primary source material housed in Louisiana and Spain inform this study of free black society in late eighteenth-century New Orleans. Abundant albeit all-too-often unreliable census materials, rich collections of civil and military records, and contemporary correspondence and

travelers' accounts provide insights into the origins, growth, military participation, economic and social activities, discontent, and attitudes of free people of color. Fortunately for colonial scholars, Spain has a rich legal tradition; its government, military, and church officials recorded and preserved almost every piece of information concerning Spanish Louisiana.

The most useful and utilized sources for delving into the activities of "common people" (such as free blacks) are the notarial acts and court proceedings, located at the Orleans Parish Notarial Archives (OPNA), and the Spanish judicial records (SJR) at the Historical Center of the Louisiana State Museum, both in New Orleans. Notarial records constitute the most essential, numerous documents available for the study of daily life in colonial New Orleans. When Spain assumed judicial control of Louisiana, royal officials reorganized its legal system and specified the duties of various notaries. In order to prevent fraud and malpractice Governor Luis de Unzaga y Amezaga declared on 3 November 1770 that

no person, whatever be his or her rank or condition, shall henceforth sell, alienate, buy, or accept as a donation or other wise, any New State, plantations, houses and any kind of sea-craft, except it be by a deed executed before a Notary Public; to which contracts and acts of sale and alienation shall be annexed a certificate of the Registrar of Mortgages; that all other made under any other form shall be null and void. 13

These notaries (two in the 1770s and 1780s, three in the 1790s and early 1800s) recorded such simple transactions as wills, antenuptial contracts, obligations, receipts, realty and personalty transactions, slave manumissions, and slave rental and apprenticeship agreements. They are organized as acts by notary in OPNA.

Disputed civil cases and criminal trials came under the jurisdiction of civil, military, and ecclesiastical tribunals, and notaries preserved the deliberations associated with these proceedings, too. Parties brought civil and criminal disputes before alcaldes (judges elected by the cabildo or municipal council), the cabildo, or the governor, who also sat with the cabildo. An ecclesiastical court presided over cases to which clergy were party and over promise-to-marry, separation, and divorce litigation. Military personnel protected by the fuero militar (elaborated in Chapter 4) also came before the governor's tribunal, while the intendant adjudicated smuggling, customs, and treasury actions. These are the "Court Proceedings" arranged by notary at OPNA and the Spanish judicial records organized chronologically at the Louisiana State Museum historical center.

Statistical data presented in this dissertation are drawn from notarial acts for three years in each decade: 1771-1773, 1781-1783, 1791-1793, and 1801-1803. Even though Spain took actual possession of Louisiana late in 1769, 1771

was the first year in which complete records for at least two notaries were available and in which there were cases dealing with free persons of color; 1803 was the last year of Spanish control over the judicial system. These comprise the beginning and ending years of the sample, and the other year groups were chosen to maintain consistency and to register change over each decade. The records by notary are: Acts of Juan Baptista Garic, vols. 2-4, January 1771-December 1773; Andrés Almonester y Roxas, {no volume numbers}, January 1771-December 1773 and January 1781-April 1782; Rafael Perdomo, {no volume numbers}, April-December 1782, and vols. 1-2, January-December 1783; Leonardo Mazange, vols. 3-7(1), January 1781-April 1783; Fernando Rodríguez, vol. 7(2), April-June 1783 and vol. 1, June-December 1783; Francisco Broutin, vols. 7, 15, and 25, January 1791-December 1793; Pedro Pedesclaux, vols. 12-19, January 1791-December 1793 and vols. 38-45, January 1801-December 1803; Carlos Ximénez, vols. 1-5, January 1791-December 1793 and vols. 17-19, January 1801-November 1803; and Narciso Broutin, vols. 3-6, January 1801-December 1803. In the following notes references will be to notary by surname, volume number, folio numbers, and date.

Case studies enrich, illuminate, and add a human element to statistical observations. Notarial acts from other than the sample years, court proceedings, and Spanish judicial records inform these examples. Other

administrative primary records utilized include the Records and Deliberations of the Cabildo (RDC) and the Petitions, Decrees, and Letters of the Cabildo (PDLC), both located at the New Orleans Public Library, Louisiana Division. These encompass the minutes of weekly cabildo meetings and ancillary documents related to cabildo proceedings. Primary materials from the Papeles procedentes de Cuba, Audiencia de Santo Domingo, and Estado sections of the Archivo General de Indias at Seville, Spain, and Guerra Moderna at the Archivo General de Simancas proved invaluable to this study. Most useful were petitions, correspondence, censuses, militia lists, and appealed court cases.

Unfortunately, denial of access to sacramental records, jealously guarded by the Archdiocese Archives of New Orleans, limited a more complete reconstruction of the city's free black population. What information available on baptisms, confirmations, marriages, and burials comes from the Sacramental Records of the Roman Catholic Church of the Archdiocese of New Orleans 15 and the Records of the Diocese of Louisiana and the Floridas, microfilmed by Notre Dame University. Compiled primarily for genealogists, the volumes of the Sacramental Records provide only entries for persons with legible surnames, thereby excluding most slaves and free persons of color. In addition, the editors refuse to indicate the race and legal status of the parties.

Fortunately for the historian, Spanish ecclesiastics maintained separate books for whites and non-whites.

Throughout this work I use the inclusive somatic terms "free black" and "free person of color" to encompass anyone of African descent, be he or she pure African, part white. or part Amerindian. The exclusive terms pardo (lightskinned) and moreno (dark-skinned) -- preferred by contemporary free blacks over mulato and negro¹⁶ -- are utilized to distinguish elements within the non-white population. Occasional references delineate further between grifo (offspring of a pardo(a) and a morena(o)), cuarterón (offspring of a white and a pardo(a)), and mestizo (usually the offspring of a white and an Amerindian but in New Orleans sometimes referred to as the offspring of a pardo(a) or moreno(a) and an Amerindian). In addition, because France held Louisiana before Spain did and most of the inhabitants spoke French and had French names, notaries and other officials spelled names a variety of ways. This is a dissertation on Spanish New Orleans, so for consistency all first names are presented in their Spanish form and all surnames how the individuals (or if illiterate, their representatives) most frequently signed them.

Political Trends

France first and then Spain ruled the colony named in honor of France's "Sun King" Louis XIV, a vast territory that stretched from the Gulf of Mexico to Canada and from the Mississippi River to the Rocky Mountains. 17 The first to venture into the Mississippi River region were Spaniards: Alonzo Alvérez de Piñeda's expedition in 1519, Pánfilo de Narváez's in 1527, and Hernando de Soto's in 1542. Hostile climate, wildlife, terrain, and indigenes expended several lives and convinced Spain to look elsewhere for precious metals, fertile soil, and docile native laborers.

After nearly a century and a half of neglect, French explorers rekindled an interest in Louisiana and the Mississippi Valley. They hoped to find hidden, instant wealth in the area and sought a westward water trade route from eastern Canada across the continent to the Pacific Ocean and ultimately to the lucrative oriental spice trade. Louis XIV also encouraged exploration of the Mississippi River in order to enlarge his empire and prevent British and Spanish expansion. He envisioned a giant arc of settlement stretching from Canada down the middle of the continent and into the French Caribbean islands.

France claimed and held Louisiana from 1699 until 1762. Over these six decades Louisiana passed from crown, to

proprietor, and back to crown control; it never flourished economically or demographically, primarily due to royal neglect and apathy. Louisiana was to form part of a mutually dependent system of colonies in the Caribbean, supplying the French islands with naval stores and lumber for the sugar industry and in turn receiving sugar and slaves. As noted below, however, Louisiana's commercial crops (indigo, tobacco, and rice) were of lower quality than those produced in other French possessions. In addition. French slave traders sent their cargoes where prices and profits were highest and where they could obtain valuable goods for the return voyage. Thus, there were few laborers to plant and harvest crops or process natural resources, and what goods they did generate often rotted on the wharves at New Orleans, especially when all-too-frequent wars disrupted commerce.

The French crown welcomed the opportunity to rid itself of such an economic burden in the secret Treaty of Fontainebleau, signed 3 November 1762, and the public Treaty of Paris that ended the Seven Years War in 1763. That Spain was an ally and would most likely resist any Anglo-American expansion beyond the Atlantic seaboard sweetened the deal. Both Bourbon monarchies viewed Louisiana as useful primarily within a context of larger geopolitical considerations; neither wanted Britain to seize it. Spain in particular sought a buffer for New Spain, its richest

kingdom in the New World. Although Spain, like France, considered Louisiana an economic burden, the crown hoped to utilize it as a protective barrier between mineral-rich New Spain and the increasingly aggressive North American colonies. Under both French and Spanish rulers the colony's purpose was primarily strategic.

Preoccupied with restoring order in its wartorn empire, Spain did not officially establish its laws and military power in Louisiana until 1769. The task of governing its newest province proved difficult. In 1765 the provincial superior council sent Jean Milhet, a prominent New Orleans wholesaler, to France, his mission to persuade the crown to retake Louisiana. The colony's merchants and planters especially feared strict Spanish mercantile provisions and currency devaluation. Unsuccessful, Milhet returned with news that Spain intended to institute its regime in the near future. In the spring of 1765 the crown appointed renowned scientist Antonio de Ulloa y de la Torre Guiral first Spanish governor of Louisiana and instructed him to leave existing French customs and laws intact.

Ulloa's turbulent reign lasted a mere two and a half years. His unpopularity, indecisiveness, and refusal to exert authority confused and alienated influential Louisianians; the colony's deteriorating economy fueled their discontent. In November 1768 distraught French planters, merchants, and officials banished Ulloa from the

colony. When Spain sent General Alejandro O'Reilly and 2,100 troops a few months later to restore order, punish the rebellion's ringleaders, secure loyalty oaths from the population, and implement the laws and institutions of Castile and the Indies, it sent a definitive message that Louisiana now belonged to His Most Catholic Majesty. Thus, Spain's initial experiment with a flexible colonial policy for Louisiana failed; only when a more rigid routine also failed did the crown reluctantly, and often unofficially, relax its stern mercantilist strictures.

Spain actively endeavored to attract settlers to the region in order to defend it, balance the somewhat hostile French population remaining in the colony, and promote agricultural and commercial growth. Its immigration policy was more successful than France's, but as discussed below, population flow and economic prosperity worked to the advantage of the United States rather than to Spain. With generous grants of land, tools, and foodstuffs the crown enticed Isleños, Malaqueños, and refugees from Acadia and Saint-Domingue to Louisiana. Despite efforts to keep acquisitive Anglo-Americans out of the Mississippi Valley, hundreds of them poured into the rich farmlands of upper Louisiana after 1783. Finally recognizing its inability to halt Anglo penetration, Spain in 1789 adopted a new strategy to incorporate its enemies rather than futilely struggle against them. The crown's imaginative, yet ironic, solution was to encourage former Anglo-American subjects to settle in Spanish Louisiana, swear an oath of loyalty to the Spanish crown, and work for Spain rather than oppose it. To attract these immigrants Spaniards guaranteed religious toleration, liberal land grants, and the right to navigate the Mississippi River. Gradually farmers and merchants from the eastern seaboard took over Louisiana, until by 1795 "it was too late for Spain to take effective steps against the Americans." 18

Spain governed Louisiana until 30 November 1803. On that day colonists celebrated their transfer from Spanish to French rule; a mere twenty days later France in turn transferred Louisiana to the United States. Spain had actually secretly ceded the colony to France on 1 October 1800 in exchange for an Italian kingdom for the Duke of Parma. In this Treaty of San Ildefonso, France's Napoleon Bonaparte also promised King Carlos IV that he would never transfer the colony to another party. Carlos thus rid himself of this economic burden called Louisiana, a dependent possession that required a larger situado (subsidy) each year, and won assurances that neither Britain nor the United States would gain easy access to valuable New Spain. 19 At least he was correct in one respect.

Economic Trends

During the colonial era government and private promoters, settlers, and commercial interests failed to exploit the great potential of Louisiana's natural resources. Reality never met expectation: Louisiana remained a poor colony, a peripheral region of both the French and Spanish empires, valued primarily for its strategic position between Anglo-America and New Spain. Although promoted by crown, company, and colonist, experiments with such exotic products as silk, olives, and pineapples and with such necessary staples as wheat, floundered. Feverish searches for mineral wealth yielded nothing but a little copper. Dependent on Amerindians and Africans for foodstuffs and labor, settlers from Europe's urban centers refused to soil their hands doing menial tasks. Even as late as 1777 one contemporary observed that "the inhabitants neglect agriculture and generally employ themselves in hunting and fishing."20

Louisiana interests did not recognize or realize the economic promise of the lower Mississippi Valley until the close of the eighteenth century, when sugar and cotton emerged as significant, highly profitable crops and the people needed to produce these crops flowed into the region. The plantation system was slow to mature in Louisiana and did not really blossom until the nineteenth century. As indigo production declined across lower Louisiana in the

early 1790s, sugar concomitantly emerged as the primary staple and spurred consolidation of land, labor, capital, and technology. Though occurring relatively late, "the agricultural basis of slavery in Louisiana paralle{d} the development of the institution in the circum-Caribbean region, from San Salvador on the Central American isthmus across to the British Leeward islands."²¹

Economic developments at the close of the colonial period foretold an increasing -- at times stunning -- material prosperity for Louisiana. Several trends coalesced to transform Louisiana from an economically depressed colony in the late 1780s and early 1790s into a flourishing territory and state of the antebellum era. Unprecedented export of sugar and cotton saved Louisiana from financial ruin and in turn attracted people and investments to the area. In terms of population alone, the colony experienced higher growth during the last fifteen years than in the entire preceding years of the eighteenth century.²² Recent scholarship emphasizes the relation of population to economic growth:

Development in New Orleans could occur only with an increase of population in its hinterlands. An augmented population would provide large quantities of staples for export and more business for New Orleans as well as a larger market for imported items. Demands made upon New Orleans by an expanding population would be met by a corresponding sopplistication in the services rendered by the town.²³

Although more successful than France in populating and initiating prosperity in Louisiana, Spain did not reap the rewards. Rather, French, Britons, Americans, and even Louisianians profited at Spain's expense. The primary beneficiaries were those native merchants and entrepreneurs who played wartime chaos and destruction, loosening trade restrictions, and changing world power relations to their advantage. Much to the consternation of powerless Spanish officials, American penetration and domination of Louisiana's economy during the 1790s eventually led to the physical transference of Louisiana to Spain's most feared foe in North America. Ironically, these Anglo-Americans, who settled and effectively exploited the resources of Louisiana in a way earlier colonists had never been able to do, ultimately wrested the province from both Spain and France.

During the eighteenth century Louisiana in general exported raw materials and imported manufactured goods and foodstuffs not available in the colony, such as wheat flour. This exchange accorded with mercantilist theory, with the exception that it did not always take place between mother country and colony. Colonial merchants and planters often traded their products for manufactures from countries other than the ruling metropolitan power. Local officials frequently sanctioned this illegal exchange, and sometimes the crown itself allowed trade with outside powers, especially during times of war. The basic dilemma was that France and Spain and even some of their American colonies

had no use for Louisiana goods, many of which were inferior to similar commodities produced elsewhere. Constantly engaged in expensive European wars and lacking strong industrial bases, France and Spain also found it difficult to supply their colonies, in particular a peripheral one like Louisiana.

Often only Britain or its North American colonies expressed a willingness and facility to trade with Louisiana. In the late 1750s and early 1760s France battled Britain in the Seven Years War and could not get ships into Louisiana. The peace treaty that ended the war transferred Louisiana to Spain, but Spain did not take effective control until 1769. During this transitory period Britain wrested economic control of the Mississippi Valley from both France and Spain, although Louisiana's trade with the French islands continued almost unabated. When Spain threatened and then actually did cut off all trade with other powers and restricted Louisiana to direct trade with several ports in Spain, mercantile and planter interests in the colony protested. Military might restored order but solved few problems in the early years of Spain's rule.

Weakened by war and reluctant to industrialize, Spain failed to provide its new possession with the goods its subjects demanded. Local preference for British and French goods further thwarted Spanish mercantilist policy.

Intendant Martín de Navarro conveyed the inhabitants' serious plight:

The arrival of Conde de O'Reilly . . . completed . . . the sad lot which remained to those native at seeing themselves in the necessity of engaging in a mercenary trade with Havana, whence the thousandth part of the products of this province were never exported; while they could not secure the articles and things of prime necessity for their consumption and support except at the high price for which they bought them. From that time the colony experienced the desertion and emigration of various families who went to the French colonies.²⁴

Spanish Louisiana governors quickly adapted to the circumstances and relaxed their enforcement of trade policy. After attempts to incorporate Louisiana in Spain's imperial trade network failed, authorities endeavored to appease local mercantile and planter interests and to keep the population fed and clothed. If enforced, strict Spanish mercantilism would have threatened established markets --many of them illegal -- in the French and British West Indies, France, Britain, and Anglo-America. Officials took a more liberal, flexible approach from the mid-1770s onward, giving United States merchants and producers an opportunity to infiltrate and thoroughly dominate Louisiana's maritime and river trade by the 1790s.

Once the United States secured its freedom, farmers from the Atlantic seaboard poured across the Appalachians into adjacent United States territory and the northern reaches of Spanish Louisiana. These Ohio and Mississippi Valley cultivators recognized that the most convenient,

quick, and profitable outlet for their produce led down the river and through the port of New Orleans. American farmers, merchants, and shippers, though, had to deposit upper valley commodities at New Orleans, where crews transferred them from river flatboat to maritime vessel. These interests did not mind paying taxes to the Spanish government on exports and imports, but they demanded that Spain guarantee their right of deposit.

From the 1780s until the American purchase of Louisiana in 1803, Spanish and United States diplomats feverishly struggled to avert warfare over the issue of right of deposit at the mouth of the Mississippi. The 1795 Treaty of San Lorenzo (Pinckney's Treaty) finally accorded United States citizens right of deposit at New Orleans or some appropriate alternative port for a period of three years, renewable in three-year increments. Faced with warfare in Europe and in need of an ally, Spain rather reluctantly granted trans-Appalachian Americans this direct access to the sea, taxed at six percent. A passage from Henry Troth's journal dated May 1799 reveals the extent of Anglo-American domination of the river trade and commerce at New Orleans:

There is an abundance of Cotton Exported from this place, tho not all raised in the Spanish Territories. There is a great deal brought down from Natches. The Harbour appears to be pretty good. There is at this time about 30 sail of Vessels, nearly half of them American. The Spaniard seems to have 3 or 4 Gallies and about as many other Armed Vessels.²⁵

Spanish officials in Louisiana, however, were never satisfied with the treaty's provisions. They resented continued Anglo smuggling and thus revoked the right of deposit and closed New Orleans to all foreign shipping in 1802. Desperate for foodstuffs from upriver, Louisiana residents convinced the intendant and governor to lift suspensions within a few months. United States purchase of New Orleans and all of Louisiana ended the controversy once and for all. By 1803 Anglo-American controlled Louisiana's economy so thoroughly that "the Louisiana Purchase, in a sense, merely added political legitimacy to economic facts operative for over a decade."²⁶

Slaves and Free Blacks in Colonial New Orleans: An Overview

New Orleans was the colony's primary urban center and port, and the furs, hides, timber and agricultural products of the region's interior flowed through the city en route to the French, British, and Spanish West Indies, the North American colonies/states, New Spain, and occasionally Spain. New Orleans also served as the entrepôt for slaves and various goods such as flour and cloth that colonials could not supply on their own. Multicultural and racial, the New Orleans population labored as dock and transportation workers, domestics, agricultural processors, peddlers, shopkeepers, artisans, doctors, lawyers, merchants, and military and civilian government employees.

As will be seen in Chapter 3 and Appendix A, the primary activities that occupied inhabitants of Spanish New Orleans were services and commerce, followed by government employ and manufacturing, typical for a pre-industrial port city and colonial capital. Free and slave persons of African descent performed many of the city's manual and skilled tasks.²⁷ Wholesale importation of slaves from Africa began in 1719, when ships commissioned by John Law's Company of the Indies deposited five hundred Guinea slaves on the banks of the Mississippi. These slaves, along with indentured servants, salt and tobacco smugglers, debtors, soldier farmers, and colonists who immigrated of their own volition, labored to construct the new colonial capital and produce crops for subsistence and export. Although Amerindian enslavement continued well into the Spanish period, Native Americans never met Louisiana's labor demands; one French governor even proposed to Saint-Dominque officials an exchange of three of his Amerindian for two of their African slaves. 28 He and other officials and settlers could not convince slave traders to send the numbers of bondspersons needed to exploit colonial resources to their full potential, primarily because in economic terms Louisiana constituted one of the least significant members of both the French and Spanish colonial systems.

The traffic in slaves to Louisiana did not really take off until the last two decades of the eighteenth century,

with most of them coming from Cuba, Saint-Domingue, and Portuguese Angola.²⁹ During the 1780s Spain and its governors in Louisiana encouraged merchants to import slaves of African descent from the West Indies. A royal cédula of 1782 admitted slaves from the French West Indies duty free. Two years later another decree modified that cédula, allowing certain slaves to enter duty free but charging a six percent duty on other bondspersons. A liberal decree of 1789 granted freedom to black slaves who fled from alien lands and sought sanctuary in Louisiana. In light of the Saint-Domingue revolt that erupted in 1791 and Louisianians' fears that black slaves from the French islands would inspire their own slaves to rebel, Spanish Governor François-Louis Hector, Baron de Carondelet et Noyelles banned slave imports from the West Indies. Carondelet lifted restrictions in 1793 but reinstituted them in June 1795, to last for the duration of the Franco-Spanish war. Even though the war ended one month later, the rebellion in Saint-Domingue continued; Carondelet issued a new proclamation forbidding the entrance of any black slaves, even those coming directly from Africa, into the colony. Although Louisianians continued to smuggle slaves in order to meet their rising labor needs, local authorities did not again sanction the foreign slave trade until 1800.

Such material conditions as a fluid, diverse frontier economy and the scarcity of white women, artisans, and

soldiers contributed to the emergence of a free black population in colonial Louisiana. Faced with a shortage of white women, white males entered into consensual and marital relations with Amerindian and African slaves. Local officials, ecclesiastics, and settlers rarely condemned these interracial unions. Although most pardos, as well as morenos, remained enslaved, the few French colonials who did free their slaves usually manumitted their mixed-blood offspring and moreno mistresses. France's code noir, promulgated in 1685 for its Caribbean possessions and applied to Louisiana in 1724, stipulated that only the slaveholder could initiate manumission proceedings. Thus, if a master refused to allow his or her slaves to purchase themselves or did not free them by donation or testamentary disposition, they had no recourse before the law. Urban slaves, especially skilled ones, most frequently purchased their freedom. As white artisans increasingly deserted the colony, free black artisans replaced them. The French crown also granted freedom to a few slaves for defending Louisiana from foreign invasions and Amerindian attacks. Placing free persons of color in a middling position, strategically poised economically, legally, and socially between slaves and whites, French officials intended to utilize, and at the same time control, the growing number of free blacks in Louisiana.

The first recorded emancipation of an African slave in Louisiana was that of Louis Congo, who obtained his freedom by accepting a position as colonial executioner in the early 1720s. From the very beginning of its history free people of color resided in New Orleans but their exact numbers were unknown. To the dismay of scholars, French census takers did not indicate whether persons of African descent were slave or free; they consolidated free blacks with either hired hands or black slaves. The 1721 census of New Orleans enumerated 145 white males, 65 white women, 38 children, 29 white servants, 172 blacks, and 21 Amerindian slaves. 1726 New Orleans black population had risen to 300 but dropped to 258 in 1732 (28.9% of a total population numbering 893).30 Only when Spain effectively took over Louisiana in 1769 did census takers begin to distinguish between free blacks and slaves, pardos and morenos. Their figures, however, were no more accurate than those of the French era and usually under counted free persons of color,31

It was during the Spanish period that free persons of color in New Orleans made their greatest advances in terms of demographics, privileges, responsibilities, and social standing. They jumped from 7.1 percent of the city's African American population in 1769 to a high of 33.5% in 1805. Throughout these years New Orleans' free black population expanded in absolute numbers; immigration of

Saint-Domingue refugees and natural reproduction fueled this growth well into the antebellum era.³² In contrast to demographic trends found for many Spanish American regions at the beginning of the nineteenth century, free non-whites never outnumbered slaves in New Orleans, but they nevertheless comprised a substantial proportion of the non-white population.³³ Chapter 2 of this dissertation examines the legal paths to freedom that African Americans in New Orleans pursued and changes in these strategies over the period.

African Americans astutely availed upon legal, demographic, economic, and political conditions in Spanish New Orleans not only to gain freedom, but also to attain decent standards of living and to advance their social status, or at least that of their children. Chapter 3 looks at the trades and tasks in which free persons of color engaged; it concludes with an analysis of some factors that aided free blacks in their quest for material comfort and even prosperity. In addition to playing an essential role in the New Orleans economy, free blacks also defended the city and watched over its public welfare. When Spain declared war on Britain during the American Revolution and on France during the French Revolution, free pardo and moreno militias joined white militia units, regular troops, and allied Amerindians as they expanded Louisiana's boundaries and protected the colony from internal and

external threats to unseat the Spanish government. The free black militia's peacetime duties included capturing runaway slaves, fighting fires and repairing levee breaks, marching in parades, and patrolling city streets at night, all discussed in Chapter 4.

During the Spanish period free blacks in New Orleans frequently bought, sold, and inherited property -- personal, slave, and real. With their earnings and gifts from white and free black benefactors free people of color acquired slaves, who in turn helped their free black masters accumulate more property. In such a status-conscious society as New Orleans slaves also conferred upon their owners an aura of prestige that went above and beyond monetary rewards. As long as slave prices remained low, free persons of color, and even slaves, could afford to buy or rent slave laborers and/or to free their enslaved kin and friends. Free black transactions involving slave property are studied in Chapter 5.

Although most New Orleanians -- white and non-white -worked year-round to feed and clothe themselves, they also
made time to enjoy each other's company in more pleasant
settings. One observer of life in New Orleans early in the
nineteenth century captured the playful ambience of the city
in one sentence: "There are few places where human life can
be enjoyed with more pleasure, or employed to more pecuniary
profit."³⁴ Inhabitants of all classes and colors

participated in carnival season and other religious festivities, met at taverns and gaming tables, cavorted around public and private dance floors, strolled along the levee, and lived together and next to one another as tenants, servants, spouses, and consorts. Chapter 6 details their social, recreational, and leisure activities.

Finally, Chapter 7 appraises the conflicting lovalties that prevailed in Louisiana during the decade of the French Revolution, a friction revealed in the words and actions of New Orleans' free population of color. As loval Spanish subjects and member of the free pardo and moreno militia, most free blacks defended the colony against anticipated external invasions and internal disturbances. In New Orleans organized groups of free blacks toiled on fortifications, guarded strategic points, pursued rebellious slaves, and revealed seditious Jacobin activities to authorities. Some free people of color, however, participated in such conspiracies and even advocated the overthrow of a hierarchical Spanish society in favor of liberal French laws that guaranteed free blacks equal rights as citizens and abolished slavery in France and its colonies. Chapter 7 primarily focuses on the ideas and acts of a free pardo agitator named Pedro Bailly.

It is the intent of this work to underline the importance of free blacks as active, vital participants in the colonial experience of the Americas. Free persons of

color in New Orleans and elsewhere strove not only to survive, but also to prosper. Research presented here adds to a growing body of information on free blacks in colonial Latin America, the Caribbean, and the United States. In light of the seemingly limitless variety among free black societies in the Americas, intensive local studies such as this one for Spanish New Orleans provide evidence for comparisons even more fine than those between colonies or national regions. They reveal the ambiguous, varying roles free blacks played within Western slave systems and help scholars appreciate this complexity.

<u>Notes</u>

Gilberto Freyre, <u>Casa Grande e Senzala, Formação da familia Brasileira sob o regimen de economia patriarchal</u> (Rio de Janeiro: Livario José Olympio Editora, 1933) and <u>Sobrados e Mucambos: Decadencia do Patriarchado rural no Brasil</u> (Sao Paulo: Livario José Olympio Editora, 1936); Frank Tannenbaum, <u>Slave and Citizen: The Negro in the Americas</u> (New York: Alfred A. Knopf, 1947).

²Stanley Elkins, <u>Slavery: A Problem in American Institutional and Intellectual Life</u> (Chicago: University of Chicago Press, 1959). Herbert S. Klein (<u>Slavery in the Americas: A Comparative Study of Cuba and Virginia</u> (Chicago: University of Chicago Press, 1967)) also delineated between mild Latin and harsh Anglo slave systems.

³An informative analysis of arguments presented by both sides in the debate's early years can be found in Eugene D. Genovese's "Materialism and Idealism in the History of Negro Slavery in the Americas," <u>Journal of Social History</u> 1:4 (October 1968): 371-94. Other works that emphasize material factors include: David Brion Davis, <u>The Problem of Slavery in Western Culture</u> (Ithaca: Cornell University Press, 1966); Carl N. Degler, Neither Black nor White: <u>Slavery and Race Relations in Brazil and the United States</u> (New York: Macmillan, 1971); Thomas Marc Fiehrer, "The African Presence in Colonial Louisiana: An Essay on

the Continuity of Caribbean Culture," in Louisiana's Black Heritage, eds. Robert R. Macdonald, John R. Kemp, and Edward F. Haas. (New Orleans: Louisiana State Museum, 1979), pp. 3-31; Marvin Harris, Patterns of Race in the Americas (New York: Walker & Co., 1964); Harry Hoetink, The Two Variants of Caribbean Race Relations: A Contribution to the Sociology of Segmented Societies (London: Alfred A. Knopf, 1947); Mary C. Karasch, Slave Life in Rio de Janeiro, 1808-1850 (Princeton: Princeton University Press, 1987); Franklin W. Knight, <u>Slave Society in Cuba During the Nineteenth Century</u> (Madison: University of Wisconsin Press, 1970); Magnus Mörner, Race Mixture in the History of Latin America (Boston: Little, Brown & Co., 1967). David W. Cohen and Jack P. Greene contend in the "Introduction" to their edited work Neither Slave Nor Free: The Freedman of African Descent in the Slave Societies of the New World (Baltimore: The Johns Hopkins University Press, 1972, p. 17) that: "Diversity is shown to be much more closely related to specific economic conditions -- at times and in particular places opening up extensive opportunities for a free, non-white middle group, while at other times effecting the closure of opportunities for non-whites and the displacement of the free colored."

⁴Quoted in George Fredrickson, "Comparative History," in <u>The Past Before Us</u>, ed. Michael Kammen (Ithaca: Cornell University Press, 1980), p. 466.

⁵Information presented in Chapter 2 seems to indicate that this situation prevailed in lower Louisiana during the Spanish regime. Spanish authorities often protected the rights of slaves and free persons of color against abusive French planters. With a slightly different twist, essays in Cohen and Greene's edited work (Neither Slave Nor Free) generally suggest that "a relatively rigorous slave regime, such as that observed in Surinam and the French islands, may have resulted in a relative amelioration of conditions for the free colored as a direct result of the whites' need for allies within the slave society" (p. 11). David P. Geggus also notes that "in Jamaica and Antigua, moreover, which had two of the highest black/white ratios in the British Caribbean, limited political concessions were used to ally free coloured to the regime" (Slavery, War, and Revolution: The British Occupation of St. Domingue, 1793-1798 (Oxford: University of Oxford Press, 1982), p. 22).

Genovese in particular supported this view. See his "The Treatment of Slaves in Different Countries: Problems in the Application of the Comparative Method," in <u>Slavery in the Americas: A Comparative Reader</u>, eds. Genovese and Laura Foner (Englewood Cliffs, NJ: Prentiss-Hall, 1969), p. 203.

Tklein, African Slavery in Latin America and the Caribbean (New York: Oxford University Press, 1986), p. 218. Fiehrer also states that "while racism is a constant in multiracial societies, the level to which it affects class stratification and class relations in a given system varies with economic circumstances. The large mulato populations of Saint-Domingue and Cuba suffered persecution and exclusion during periods of rising expectations, sugar boom, and self-generated economic competition" ("African Presence," pp. 23-24).

⁸Jack D. L. Holmes, <u>A Guide to Spanish Louisiana,</u> 1762-1806 (New Orleans: A. F. Laborde, 1970), p. xii. Pioneered by Herbert Bolton and John Francis Bannon, the "Borderlands" school has devoted most of its commendable efforts to study of northern New Spain, or what is today the southwest region of the United States. For a review of borderland works, see David Weber, "John Francis Bannon and the Historiography of the Spanish Borderlands," Journal of the Southwest 29:3 (Winter 1987): 331-63. Rather than viewing a frontier in the traditional way as an interracial or international boundary, I concur with Daniel H. Usner, Jr.'s definition of frontier as a cross-cultural network, an interethnic web of economic, social, political, and cultural relations ("The Frontier Exchange Economy of the Lower Mississippi Valley in the Eighteenth Century, " The William and Mary Quarterly 44:2 (April 1987): 167.

⁹Donald E. Everett, "Free Persons of Color in Colonial Louisiana," LH 7:1 (Winter 1966): 21-50; Fiehrer, "African Presence"; Laura Foner, "The Free People of Color in Louisiana and St. Domingue: A Comparative Portrait of Two Three-Caste Societies, " Journal of Social History 3 (Summer 1970): 406-30; Gwendolyn Midlo Hall, Africans in the Formation of American Culture: The Louisiana Experience (Baton Rouge: Louisiana State University Press, forthcoming Fall 1991); Paul F. Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception. Integration, and Impact," LH 29:2 (Spring 1988): 109-41; Lachance, "Intermarriage and French Cultural Persistence in Late Spanish and Early American New Orleans, " Journal of Social History 15 (May 1982): 47-81; Lachance, "The Politics of Fear: French Louisianians and the Slave Trade, 1786-1809," Plantation Society in the Americas 1:2 (June 1979): 162-97; Ulysses S. Ricard, Jr., "Pierre Belly and Rose: More Forgotten People, " The Chicory Review 1:1 (Fall 1988): 2-17.

¹⁰Jane Landers, "Black Society in Spanish St. Augustine, 1784-1821" (Ph.D. dissertation, University of Florida, 1988), p. 6. 11Klein observed that "following the Haitian Revolution, British, French, Dutch, and North American legislation became even more hostile to the freedmen" (<u>African Slavery</u>, p. 221). He might have added Spanish, particularly Cuban, legislation as well.

 $\rm ^{12}Fiehrer$, "African Presence," p. 4; Genovese, "Materialism and Idealism," p. 248.

¹³Henry Putney Beers, <u>French and Spanish Records of Louisiana: A Bibliographical Guide to Archive and Manuscript Sources</u> (Baton Rouge: Louisiana State University Press, 1989), pp. 30-31.

14since the 1970s the Archdiocese Archives of New Orleans has not permitted researchers access to the colonial sacramental records, with the exception of one or two individuals who have "the right connections." I have petitioned several times to gain access and submitted referral letters that attest to my capabilities and sensitivities as a professional researcher. All to no avail. The archdiocese's official position is that the sacramental records are personal documents belonging to the Catholic church and are under litigation at the time.

¹⁵Edited by Reverend Monsignor Earl C. Woods and Charles E. Nolan, 5 vols. (New Orleans: Archdiocese of New Orleans: Archdiocese of New Orleans, 1987-1990).

16 on militia rosters the free black officer making the count frequently crossed out the term "negro libre" or "moreno libre" written on the form and placed "moreno" or "pardo" above it. When free blacks signed documents, in most cases they placed pardo or moreno libre after their names rather than mulato or negro libre.

17The following works inform this discussion of Louisiana's political and economic history: Julio Albi, La defensa de las Indias (1764-1799) (Madrid: Instituto de Cooperación Iberoamericana, 1987); Mathé Allain, "Not Worth a Straw" French Colonial Policy and the Early Years of Louisiana (Lafayette, LA: The Center for Louisiana Studies, 1988); Carl A. Brasseaux, Denis-Nicolas Foucault and the New Orleans Rebellion of 1768 (Ruston, LA: McGinty Monograph Series, Louisiana Tech University, 1987); Caroline Maude Burson, The Stewardship of Don Esteban Miró, 1782-1792 (New Orleans: American Printing, 1940); John G. Clark, "New Orleans: Its First Century of Economic Development," LH 10:1 (Winter 1969): 35-47; Clark, New Orleans, 1718-1812: An Economic History (Baton Rouge: Louisiana State University Press, 1970); Light Townsend Cummins and Glen Jeansonne, eds., A Guide to the History of

Louisiana (Westport, CN: Greenwood Press, 1982); Joseph G. Dawson III, The Louisiana Governors: From Iberville to Edwards (Baton Rouge: Louisiana State University Press, 1990); Holmes, Gayoso: The Life of a Spanish Governor in the Mississippi Valley, 1789-1799 (Baton Rouge: Louisiana State University Press, 1965); Holmes, A Guide; Holmes, "Indigo in Colonial Louisiana and the Floridas," LH 11:4 (Fall 1970): 341-62; John Hebron Moore, "The Cypress Lumber Industry of the Lower Mississippi Valley During the Colonial Period," LH 24:1 (Winter 1983): 25-47; Joe Gray Taylor, Louisiana: A Bicentennial History (New York: W. W. Norton, 1976); Arthur Preston Whitaker, The Spanish-American Frontier: 1783-1795, The Westward Movement and the Spanish Retreat in the Mississippi Valley (Glouchester, MA: Peter Smith, 1962).

18Clark, New Orleans, p. 209.

¹⁹Alexander DeConde, "Napoleon and the Louisiana Purchase," in <u>Napoleon and America</u>, ed. Robert B. Holtman (Pensacola: The Perdido Bay Press for the Louisiana State Museum, 1988), pp. 100-36.

²⁰William Bartram, <u>The Travels of William Bartram</u>, ed. Mark Van Doren (New York: Dover Publications, 1928), p. 339.

²¹Fiehrer, "African Presence," p. 10.

22Clark, "New Orleans," p. 46.

²³Clark, <u>New Orleans</u>, p. 153.

24Martín Navarro, "Political Reflections," in Louisiana Under the Rule of Spain, France, and the United States, 1785-1807: Social, Economic, and Political Conditions of the Territory Represented in the Louisiana Purchase, ed. James Alexander Robertson, 2 vols. (Cleveland: Arthur H. Clark, 1911), 1:242-43.

²⁵Henry Troth, "Journal of Henry Troth, 1799," transcribed by Clinton Lee Brooke and Tyrrell Willcox Brooke, July 1970, p. 6. Manuscript in LHC.

²⁶Clark, <u>New Orleans</u>, p. 248.

27This is just a cursory look at slavery under French and Spanish rule. For more complete information on slaves during the colonial period and free blacks during the French regime see: Allain, "Slave Policies in French Louisiana," LH 21:2 (Spring 1980): 127-37; Brasseaux, "The Administration of Slave Regulations in French Louisiana,

1724-1766," LH 21:2 (Spring 1980): 139-158; Fiehrer, "African Presence"; Foner, "Free People of Color in Louisiana and St. Domingue"; John S. Kendall, "New Orleans' 'Peculiar Institution'," LHO 23:3 (July 1940): 864-86; Roland C. McConnell, Negro Troops in Antebellum Louisiana: A History of the Battalion of Free Men of Color (Baton Rouge: Louisiana State University Press, 1968); James Thomas McGowan, "Creation of a Slave Society: Louisiana Plantations in the Eighteenth Century" (Ph.D. dissertation, University of Rochester, 1977); Gary B. Mills, The Forgotten People. Cane River's Creoles of Color (Baton Rouge: Louisiana State University Press, 1977); Charles B. Roussève, The Negro in New Orleans (New York: The Archives of Negro History, 1969); H. E. Sterkx, The Free Negro in Ante-Bellum Louisiana (Rutherford: Fairleigh Dickinson University Press, 1972); Taylor, Negro Slavery in Louisiana (Baton Rouge: The Louisiana Historical Association, 1963); Daniel H. Usner, Jr., "From African Captivity to American Slavery: The Introduction of Black Labor to Colonial Louisiana," LH 20:1 (Winter 1979): 25-48.

²⁸Usner, "From African Captivity," p. 26. This was Sieur de Bienville, Jean Baptiste Lemoyne, founder of New Orleans.

²⁹Fiehrer, "African Presence," pp. 7-8.

30Virginia R. Domínguez, <u>White by Definition: Social Classification in Creole Louisiana</u> (New Brunswick, NJ: Rutgers University Press, 1986), pp. 115-16; Taylor, <u>Negro Slavery</u> pp. 5-6.

31 See examples in Chapter 2.

³²Domínguez, White by Definition, pp. 115-16; Lachance, "1809 Immigration," pp. 109-41. Domínguez's figures for 1791 (1,147 free people of color, 1,604 slaves) differ from those given in the Census of New Orleans, 6 November 1791, Louisiana Collection, NOPL (862 free people of color, 1,789 slaves). In this dissertation I use the numbers enumerated in the original source, the Census of New Orleans.

33Klein, African Slavery, p. 224.

34William Darby, A Geographical Description of the State of Louisiana, the Southern Part of the State of Mississippi, and Territory of Alabama (Philadelphia: John Melish, 1816), p. 76.

CHAPTER 2

From the first days of conquest and colonization of the Americas a free black population emerged from among the numerous African slave laborers. The ease and frequency of this transition from bondage to freedom varied spatially and temporally. The Tannenbaum-Elkins school has argued that such institutions as the church and state influenced slave treatment and access to freedom. Reality often did not match institutional ideals, but in general Tannenbaum correctly observed that Spanish and Portuguese colonists most readily manumitted their slave property, with the French somewhere in the middle of the spectrum and the British most reluctant to part with their bondsmen. 1

Although cultural factors and attitudes influenced this trend, material factors, especially demographic patterns and economic trends, played a much more substantial role.

Anthropologist Marvin Harris identified two key demographic variables: (1) the black to white ratio and (2) the sex ratio among whites.² Where white males heavily outnumbered white females, racial intermixture prevailed, and white fathers tended to manumit their light-skinned offspring over other slaves. Societies that boasted a large black slave

population and a small white planter group lacked persons who could perform the artisan, transportation, and service tasks of a middle sector. Both these demographic scenarios gave impetus to the creation of a free black and mixed blood group, and these situations were found most commonly in areas held by Spain and Portugal.

Other scholars argue that market considerations rather than pre-existing European racial attitudes most influenced an individual's or a society's propensity to manumit African slaves.³ Slave treatment and manumission rates followed economic cycles. During boom periods of rising expectations and prosperity, planters worked their slaves intensively, the value of slaves escalated, and manumissions dropped off. Not only were masters reluctant to part with increasingly scarce labor, but also slaves found it difficult to raise the extra money required to purchase their freedom. On the downside of the economic cycle conditions for slaves could even worsen, as slaveowners struggled to return to the days of prosperity and worked their slaves even harder. At the very top and bottom of the cycle, however, manumission opportunities for slaves improved. Riding comfortable and secure at the peak of their material good fortune, masters could afford to part with bondsmen, especially if the slave reimbursed the owner at inflated self-purchase prices. On the other hand, slaveowners strapped for cash during periods of extreme hardship also welcomed income from slave selfpurchases, as well as release from the burden of caring for elderly or unproductive charges. All too frequently masters reduced their costs by manumitting old, crippled, ill, or retarded slaves.

During the Spanish period of rule in New Orleans the number of slave manumissions recorded in court documents increased with each decade. In addition, the proportion of slaves obtaining liberty through their own or a third party's efforts, rather than those of a master, expanded from about one-fifth of total manumissions in the 1770s to three-fifths in the early 1800s (see Table 2-3 below). A combination of all the above factors -- ideological, legal, demographic, and material -- and special circumstances prevailing in a frontier, peripheral society contributed to this trend. This chapter examines legitimate avenues to freedom available to and pursued by persons of African descent in the Spanish colonial city of New Orleans. Research in city records for the Spanish era confirms the "direct causal connection between the Spanish Luisiana judicial practice of coartación and the emergence of a numerous and socially significant community of free gens de couleur" noted by one legal scholar. 4 Illegal methods, such as revolt and escape, are outside the scope of this study. already have been or are under investigation by other scholars, and will be referred to only in passing.5

The Setting: Demographic and Legal Conditions

At the time of Spain's acquisition, blacks outnumbered whites and white males outnumbered white females in most regions of Louisiana. Thus, there existed within the colony demographic elements favoring the growth of a free black population. In addition, Spanish administrators faced French merchants and planters who professed questionable loyalty and at times outright hostility toward Spain's rule in the colony. In the words of one author,

the slaves were the wedge between countervailing French planter power and official Spanish authority, and the governors seem at times to have sought the approval of slaves in order to make them a counterpoise to the planters, whose allegiance to Spain was far from certain.

Faced with a potentially restless multitude of African slaves and a small but vocal ensemble of resentful colonials, Spain courted the favor of any and all segments of Louisiana's society and encouraged the immigration of loyal subjects.8

Table 2-1 details the demographic character of the city year by gender by status. Although census figures conflict and provide only approximate accuracy, they point to a growing population. White males consistently outnumbered white females; the opposite held true for slaves and free blacks. During the Spanish period the white population of New Orleans almost doubled, while the slave population grew 250%. As a result of restrictions on slave importations,

Table 2-1 New Orleans Population, Year by Status by Gender, 1771-1805

		Whites	5	Free Blacks				Slave	S
Year	M	F	Total	M	F	Total	M	F	Total
1771ª			1803			97			1227
1777 ^b	1104	632	1736	101	214	315	518	633	1151
1788 ^c	1310	1060	2370	233	587	820	956	1175	2131
1791 ^d	1474	912	2386	324	538	862	871	918	1789
1805 ^e			3551			1566			3105

Lawrence Kinnaird, Spain in the Mississippi Valley, 1765-1794, 3 vols. (Washington, D.C., 1946-1949), II:196.

b AGI PC 2351, 12 May 1777.

c AGI PC 1425, 1788.

the number of slaves in New Orleans decreased in the 1790s, but then multiplied in the early 1800s in response to the growing demand for slave labor and the lifting of import bans. The number of free blacks increased sixteenfold, and this group reportedly was under counted throughout the period! For example, a count of 97 free persons of color in 1771 was ridiculously low, given that militia rosters for 1770 list 61 free pardos and 283 free morenos between the age of 15 and 45 living within four leagues (twelve land miles) of New Orleans. 9

Table 2-2 shows that the percentage of free people of color in the total, free, and non-white populations increased over the Spanish period. In fact, between 1788

d Census of New Orleans, 6 November 1791, Louisiana Collection, NOPL.

Matthew Flannery, comp., New Orleans in 1805: A Directory and a Census Together with Resolutions Authorizing Same now Printed for the First Time (New Orleans: Pelican Gallery, 1936).

Table 2-2
Proportion of Free People of Color in the Total, Free, and Non-White Populations, New Orleans, 1771-1805

	% of Total		% of Free		% of Non-W	
Year	Population	N	Population	N	Population	N
1771	3.1	3127	5.1	1900	7.3	1324
1777	9.8	3202	15.4	2051	21.5	1466
1788	15.4	5321	25.7	3190	27.8	2951
1791	17.1	5037	26.5	3248	32.5	2651
1805	19.0	8222	30.6	5117	33.5	4671

Sources: Ibid.

and 1791 free people of color comprised the only group that grew. The percentage of free blacks expanded foremost among non-whites, followed by free persons and then all persons. Reproduction, immigration (particularly from Saint-Domingue in the 1790s and early 1800s), and manumission contributed to this rise in number and proportion of free people of color.

In Louisiana, as in many areas of Spanish America, the crown fostered the growth of a free black population in order to fill middle sector roles in society, defend the colony from external and internal foes, and give African slaves an officially approved safety valve. Colonial policymakers envisioned a society in which Africans would seek their freedom through legal channels, complete with compensation for their masters, rather than by running away or rising in revolt. In turn, slaves would look to the Spanish government to "rescatarnos de la esclavitud" (rescue

us from slavery) and subsequently protect their rights and privileges as freedmen. 10

With this vision in mind Spain, upon acquiring Louisiana from France, made colonial laws conform to those prevailing throughout the empire. For the governing of slaves and free blacks, Spanish Louisiana codes primarily drew upon the provisions of Las siete partidas and the Recopilación de leyes de los reinos de las Indias, and also were influenced by the French code noir that had been issued for the French West Indies in 1685 and introduced in Louisiana in 1724. Although the code noir imposed harsh penalties upon erring slaves and "proved to be one of the more oppressive slave codes in the Americas." it gave free blacks full legal rights to citizenship, ironically after providing unequal punishments and restricting their behavior in preceding articles of the code. 11 Local regulations, however, frequently impinged upon these rights, denying free blacks legal equality with white citizens. 12

In keeping with its aim of encouraging growth of a free black population in Louisiana, the Spanish crown implemented a practice common in its American colonies and known as Coartación: the right of slaves "to purchase their freedom for a stipulated sum of money agreed upon by their masters or arbitrated in the courts." Louisiana's code noir had permitted masters over the age of twenty-five to manumit their slaves, with prior consent from the superior council

(the French colonial governing body). Spanish regulations, however, did not require official permission for a master to free his or her slave and even allowed slaves to initiate manumission proceedings on their own behalf. The slave, a friend, or a relative could request a carta de libertad (certificate of manumission) in front of the governor's tribunal. Two and sometimes three assessors declared the slave's monetary value, and upon receipt of that sum, the tribunal issued the slave his or her carta. Under spanish law a slave did not have to depend upon the generosity of the master to attain freedom; rather, the slave relied on his or her own efforts and the aid of a favorable legal system. Louisiana slaves and parties arguing on their behalf recognized support from Spanish officials for "a cause so recommended by the law as that of liberty."

This and following chapters will examine the methods
Africans used to take advantage of legal, demographic,
economic, and political conditions prevailing in Louisiana
in order to gain freedom and decent standards of living and
to advance their social status.

Avenues to Freedom: General Observations

During the period when Spain ruled New Orleans, black slaves utilized both familiar and also new, more effective methods guaranteed by Spanish law and practice to attain the status of free person of color. There were legal and illegal paths to freedom; this discussion will focus primarily on the former. Such scholars as Gilbert C. Din, Jack D. L. Holmes, Derek Noel Kerr, Gwendolyn Midlo Hall, Ulysses S. Ricard, and Anne Baade have examined the incidence of slave rebels and runaways in their works. They describe how exploited and oppressed Africans in Louisiana endeavored to escape harsh plantation living and working conditions through illegal, antisocial acts. 15

Throughout the colonial period the problem of slave revolts, conspiracies, and runaways plagued local officials and citizens. Although O'Reilly and subsequent Spanish governors mitigated some of the blatantly abusive penalties inflicted on slaves and tried to reduce incidents of mistreatment, the phenomenon of runaway and rebellious slaves persisted. Most runaways escaped for only a few days in attempts to avoid a specific punishment, but enough accomplished permanent success to evoke fear among the white population for the safety of their lives and the security of their property. Desiring freedom and relief from their burdens, runaways escaped by fleeing from Louisiana to another province, stowing away in ocean-bound vessels, absconding to interior Amerindian villages, or establishing and joining runaway slave communities in the dense, jungle-like Louisiana wilderness. In addition, skilled creole slaves in all likelihood fled from the plantation to the city, where they could easily meld with the burgeoning

free black population. Colonial paranoia intensified in the 1790s in the face of a major slave conspiracy at Pointe Coupée and the flight of Saint-Domingue refugees to Louisiana. 16

This study groups freedom attained through legal channels into two broad categories: (1) proceedings instituted by the slave's master (voluntary) and (2) those initiated by someone other than the slave's master (self or third-party purchase). Unconditional manumissions granted inter vivos or by testament and manumissions conditioned upon additional service constitute further divisions within the first category; amicable purchase and forced issuance of a carta de libertad in front of the governor's tribunal (instigated either by the slave, a relative, or a friend) comprise finer distinctions within the second category.

Between 1771 and 1803 an increasing percentage of slaves attained freedom by way of their own or a third-party's initiative, while a declining proportion had to rely on their master's generosity (see Table 2-3). During this period when Spain controlled the judicial system, those types of proceedings instituted by persons other than the slaveowner gradually predominated, rising from one-fifth of all manumission cases in the early 1770s to three-fifths in the early 1800s. For the sample years as a whole, the number of Category One and Category Two manumissions was about even.¹⁷ More slaves entered the free population with

Type of Manumission by Year and Gender, New Orleans, 1771-1803 Table 2-3

14 15 15 16 17 18 18 18 18 18 18 18	Years	Inter	Vivos		Will Male Female	Cond	Conditional	Total Category One	Self-F	Total Category Self-Purchase Third Party One Male Female Male Female	Thir	Third Party	Seli Trik Kale	Self-Pur Tribunal Male Female	Third Party Tribunal Male Femal	Third Party Tribunal Male Female	Total Category Two
15.5° 41.3° 6.1 6.1 6.5° 0.6 4.3 78.7° 1.8° 11.0° 4.3° 1.8° 0.0° 1.8° 0.0° 0.6° 0.0° 0.8° 0.0° 0.8° 0.0° 0.8° 0.0° 0.8° 0.0° 0.0	1771-1773	56	7.1	10	14	1	7	129	3	18	7	9	0	6	0	н	35
26.2 7.5 7.6 7.6 7.6 8.6 9.6 9.6 9.6 9.7 9.6 <td>(**************************************</td> <td>15.9*</td> <td></td> <td>6.1</td> <td>8.5</td> <td>9.0</td> <td>4.3</td> <td>78.7</td> <td>1.8</td> <td>11.0</td> <td>4.3</td> <td>1.8</td> <td>0.0</td> <td>1.8</td> <td>0.0</td> <td>9.0</td> <td>21.3</td>	(**************************************	15.9*		6.1	8.5	9.0	4.3	78.7	1.8	11.0	4.3	1.8	0.0	1.8	0.0	9.0	21.3
14. 17. 17. 18.		20.2+		7.8	10.9	8.0	5.4	100.1+	8.6	51.4	20.0	8.6	0.0	8.6	0.0	5.9	100.1+
13		26.8		41.7	58.3	12.5	87.5		14.3	85.7	70.0	30.3	0.0	100.0	0.0	100.0	
1.5 1.0 5.6 10.7 2.1 2.1 2.1 2.1 31.4 8.6 16.7 3.0 7.1 3.4 3.0 3.5 3	1781-1783	23	49	13	25	ın	10	120	20	39	1	17	600	4	9	o	113
11.5* 60.8 10.8 10.8 4.2 4.2 100.0 17.7 14.5 6.2 15.0 7.1 6.2 5.0 8.0 11.5* 661.3 14.2 62.8 50.0 50.0 24. 62. 12. 14.2 4.2 11.0 25. 12. 14.2 4.2 11.0 26. 13. 62.1 12.0 27. 62.1 12.0 28. 12. 12. 14. 12. 14. 14. 14. 14. 14. 14. 14. 14. 14. 14	(000	*6.6		5.6	10.7	2.1	2.1	51.4	8.6	16.7	3.0	7.3	3.4	3.0	5.6	3.9	48.5
24 51.2 64.1 64.2 65.0 60.0 24 52 22 23 1 5 11.6 61.1 20.2 70.0 67.1 67.1 67.0 67.1 67.0 67.1 11.7 7 60.0 67.1 11.3 7 60.0 67.1 11.3 7 67.0 67.1 11.1 7 7 60.0 7<		19.24		10.8	20.8	4.2	4.2	100.0	17.7	34.5	6.2	15.0	7.1	. 7.	5.3	8.0	100.0
24 52 22 13 1 5 136 6 13 29 30 6 11 11 7 8-39 13 8-36 13 13 26 13 13 6 11 11 11 7 17-6 18-3 11 8 14 14 12 6 11 11 7 14 15 14 11 14 15 15 14 11 14 15 14 15 14 15 14 15 14 15 <td></td> <td>31.9*</td> <td></td> <td>34.2</td> <td>65.8</td> <td>50.0</td> <td>50.0</td> <td></td> <td>33.9</td> <td>66.1</td> <td>29.5</td> <td>70.8</td> <td>53.3</td> <td>46.7</td> <td>40.0</td> <td>0.09</td> <td></td>		31.9*		34.2	65.8	50.0	50.0		33.9	66.1	29.5	70.8	53.3	46.7	40.0	0.09	
8.5 15.1 8.2 11.5 0.4 1.9 9.6 1.2 12.1 10.8 11.1 2.2 4.1 4.1 2.6 11.6 88.4 6.1 2.2 2.1.5 0.7 3.1 3.9 4.5 4.5 21.8 21.8 21.8 2.6 4.5 8.1 8.1 5.1 21.6 88.4 6.1 6.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 8.1 22.5 3.6 16.8 5.0 5.0 0.3 2.5 3.1 10.6 12.1 13.8 8.1 9.0 0.1 1.2 9.1 23.6 4.1 4.2 12.7 12.7 0.8 6.1 10.0 17.3 13.8 8.1 9.1 9.1 9.1 24.6 4.2 2.2 6.1 8.1 8.1 8.1 8.1 8.1 9.1 9.1 9.1 9.1 9.1 9.1 25.6 4.1 4.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 9.1 9.1 9.1 9.1 26.7 4.1 4.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 9.1 9.1 9.1 9.1 9.1 27.8 4.1 4.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 1.1 9.1 9.1 9.1 9.1 28.9 4.1 4.1 1.1	1791-1793	24	52	22	32	-,	5	136	9	33	58	30	9	11	77	-	133
11.66 18-2 16-2 26-2 27-3 0-7 13-7 99-94 4.5 21.8 21.8 21.6 21.6 4.5 9.1 9.1 9.3 5.3 5.3 5.3 51.6 84.4 40.7 51.8 51.3 16.7 81.		*6.8		8.2	11.9	0.4	1.9	50.6	2.2	12.3	10.8	11.2	2.5	4.1	4.1	5.6	49.4
11.6		17.6		16.2	23.5	0.7	3.7	+6.66	4.5	24.8	21.8	22.6	4.5	8.3	8.3	5.3	100.1+
11 15 16 16 16 1 6 126 34 15 15 15 15 15 15 15 1		31.6*		40.7	59.3	16.7	83.3		15.4	84.6	49.5	50.8	35.3	64.7	61.1	38.9	
9.64 16.8 5.0 5.0 0.1 2.5 19.1 10.6 12.1 15.8 18.1 0.0 1.2 0.9 1.9 1.9 1.9 1.0 1.0 1.2 0.9 1.9 1.9 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0	(N=322)	31	54	16	16	-	60	126	34	39	51	29	0	4	6	9	196
24.64 42.9 12.7 12.7 0.8 6.3 100.0 17.3 19.9 26.0 10.1 0.0 2.0 1.5 13.1 13.1 13.5 26.0 10.1 0.0 2.0 1.5 13.1 13.1 13.1 13.1 13.2 2.0 10.0 10.1 13.1 13.1 13.1 13.1 13.1 13		9.6		5.0	5.0	0.3	2.5	39.1	10.6	12.1	15.8	18.3	0.0	1.2	6.0	1.9	6.09
16.5* 63.5 90.0 11.1 88.9 46.6 53.4 46.4 53.6 0.0 100.0 33.3 66.7 10.1 10.8 2.8 6.8 6.9 10.0 10.0 10.0 10.0 10.0 10.0 10.0 10		24.6+		12.7	12.7	0.8	6.3	100.0	17.3	19.9	26.0	30.1	0.0	2.0	1.5	3.1	+6.66
8) 104 226 61 87 8 25 511 63 129 94 109 14 25 20 23 13 10-3* 22. 20 23 10-3* 22.9 6.2 8.8 0.8 2.5 51.7 6.4 13.1 9.5 11.0 1.4 2.5 2.0 2.3 20.4* 44.2 11.9 17.0 1.6 4.9 100.0 13.2 27.0 19.7 22.9 2.9 5.2 4.2 4.8 11.5* 68.5 41.2 58.8 24.2 75.8 . 32.8 67.1 46.5 53.5		36.5		50.0	50.0	11.1	88.9		46.6	53.4	46.4	53.6	0.0	100.0	33.3	66.7	
10.5° 22.9 6.2 8.8 0.8 2.5 51.7 6.4 13.1 9.5 11.0 1.4 2.5 2.0 2.3 20.44 44.2 11.9 17.0 1.6 4.9 100.0 13.2 27.0 19.7 22.9 2.9 5.2 4.2 4.8 11.5° 68.5 41.2 58.8 24.2 75.8 . 12.8 67.2 46.3 53.7 35.9 64.1 46.5 53.5	FOTAL (N=988)	104	226	61	87	60	25	511	63	129	94	109	14	25	20	23	477
64.2 11.9 17.0 1.6 4.9 100.0 13.2 27.0 19.7 22.9 2.9 5.2 4.2 4.8 68.5 41.2 58.8 24.2 75.8 . 13.8 67.2 46.3 53.7 35.9 64.1 46.5 53.5		10.5*		6.2	80	0.8	2.5	51.7	6.4	13.1	9.5	11.0	1.4	2.5	2.0	2.3	48.3
68.5 41.2 58.8 24.2 75.8 . 32.8 67.2 46.3 53.7 35.9 64.1 46.5		20.44		11.9	17.0	1.6	4.9	100.0	13.2	27.0	19.7	22.9	5.9	5.2	4.2	4.8	+6.66
		31.5*		41.2	58.8	24.2	75.8		32.8	67.2	46.3	53.7	35.9	64.1	46.5	53.5	
	o to to mala/famala	J'famala															

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* t of male/female in Type

+ error due to rounding

Notemen Acts of Your Battless Carlo, vols. 2-4, Jan. 1771-Dec.1773, Andrés Almonester y Rozas, Jan. 1771-Dec. 1773, Jan. 1781-April 1782; Battles Carlo, Jan. 1771-Dec. 1773, Jan. 1781-April 1783; Battle Battle Perdono, April Dec. 1783 and vols. 1-2, Jan. Dec. 1783; Jan. 1781-Dec. 1783; Battle Armondo Redigenter, vols. 1781-April 1783; Jan. 1781-Dec. 1783; Battle Vols. 1781-Dec. 1783; Jan. 1781-Dec. 1783; Battle Vols. 1

the passing of each three-year period -- doubling from the beginning to the end of the Spanish era -- but obviously not at a rate that could entirely account for the marked increase in New Orleans' free black residents. 18

Nevertheless, as more and more slaves attained freedom, they gave birth to free children and thereby contributed to natural growth.

Within Category One manumissions unconditional inter vivos donations of liberty predominated throughout the period under study, as did uncontested purchase of freedom within Category Two manumissions. The proportion of slaves freed graciosamente (gratis) during their master' lifetime dropped in the 1780s and 1790s but recovered in the early 1800s. Conversely, a rising percentage of masters liberated slaves in their wills until the last decade under study. Very few masters attached conditions, such as additional years of service, to their grants of liberty. Self and third-party purchases of cartas de libertad together comprised slightly more than four-fifths of Category Two manumissions. With each decade a smaller proportion of slaves purchased their freedom, whereas a larger proportion relied on an outside interest -- a friend or relative -- to request the slaveholder or provide funds for a carta.

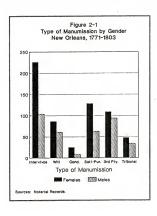
About one-fifth of all purchases of freedom were not amicable, in that the slave or a third party brought the slave's master before a government tribunal and forced him

or her to part with the slave at the estimated value. 19 Spanish law guaranteed to all slaves and other persons interested in obtaining the freedom of a particular slave the right to petition for a carta de libertad. The petitioner selected his or her appraiser, as did the slaveowner. If these two "intelligent persons" could not agree upon a fair price, the court appointed a third appraiser. Upon payment of the estimated worth, the tribunal issued a carta de libertad, and the contested slave walked away a free person, often against the master's wishes. According to the code noir, as applied in Louisiana during the French regime, only a slaveowner age twenty-five and older possessed the power to manumit his or her slave; officials intended to curb the slaveholder's greed and the bondsman's acts of thievery. Spanish administrators, however, protected the slave's right to acquire property and to purchase his or her freedom by congenial agreement or by forceful persuasion in front of a tribunal.20

The text of several Spanish documents indicated that slaves and free persons acting in the interest of slaves recognized and acted upon the privileges extended to them by Spain. 21 In all likelihood, during the Spanish period New Orleans slaves and their third-party sponsors increasingly gained greater awareness that allowed them to take advantage of the privileges that Spain's judicial system offered. With the exception of the last decade, the number of cases

brought before governors' and <u>alcaldes'</u> (magistrate and member of the cabildo) tribunals rose dramatically during the era under study. Like Africans in other colonial regions, slaves in New Orleans often had to struggle to secure their rights. Slave and master frequently haggled over the purchase price: in the absence of a written contract the slave encountered difficulties proving the existence of an agreement; many slaves sought protection through the legal system, sometimes without success; and if written in a will, provisions for self-purchase could be disputed by heirs.²²

Within every avenue to freedom males were outnumbered by females roughly one to two (Figure 2-1) for an overall



sex ratio of fifty-eight (fifty-eight males for every one hundred females). This ratio paralleled the sex ratio for New Orleans free blacks but was lower than that for the city's slaves, whose sex ratio hovered around eighty-two and rose to ninety-five in 1805 (refer to Table 2-1). Thus, compared to their proportion of the total New Orleans slave population, bondswomen secured freedom more frequently than did bondsmen. Among manumissions conditioned by further service the gender ratio dropped to thirty-two, whereas the ratios for amicable and contested purchase by a third party approached a balance. These findings accord with those of James Thomas McGowan for New Orleans and of other scholars for urban centers throughout Spanish America. After analyzing notarial records for New Orleans from 1770 to 1803, McGowan noted that "three times as many women (123) as men (41) between the ages of 20 and 49 purchased their freedom. "23 This trend was attributed in part to the fact that female slaves could more readily acquire the necessary funds by selling services and goods and by begging. In addition, less valuable females were able to collect their purchase price in a shorter time span and masters were more willing to part with them than male slaves. More important, female slaves outnumbered male slaves in urban areas like New Orleans where self-purchase was more common.24

An examination of gender ratios by category and phenotype (Table 2-4) shows once again that about twice as many females as males obtained free status and that these ratios varied only slightly by skin coloring. The sex ratio was most balanced for pardos (sixty-seven), followed by cuarterones (fifty-eight), grifos (fifty-three), and morenos (forty-nine). Tables 2-3 and 2-4 indicate that in New Orleans masters freed morenas (often along with their pardo children) in greater numbers than morenos, and morena slaves purchased their freedom more frequently than did their male counterparts. These data support scholarly contentions that self-purchase favored darker-skinned morenos and grifos but contradict the notion that it worked to the advantage of males, thus ameliorating the gender imbalance among freedpersons. In New Orleans and elsewhere in the Americas voluntary manumission practices tended to favor pardos, especially children, whereas the practice of self-purchase offered morenos an equal or greater opportunity to achieve free status, and they acted on it. 25 In fact, for those slaves in New Orleans who purchased freedom directly through the master or indirectly through the tribunal, the ratio of dark-skinned (moreno and grifo) to light-skinned (pardo and cuarterón) was three to two. Overall, morenos comprised fifty-three percent of all slaves manumitted (Figure 2-2).26

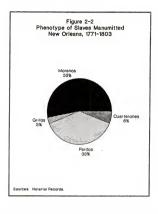
The weighted mean age of slaves for whom masters instituted proceedings for emancipation (23.6 years) was

Table 2-4
Phenotype, Gender, and Age Group by Category of Manumission
New Orleans, 1771-1803

		CATEGORY ONE	CATEGORY TWO	TOTAL
MORENO	<u>Female</u>		14	26
	1	12	14 94	186
	2	92	28	63
	. 3	35	28 34	65
	NG	31		340
	Total	170	170	340
	Male			
	1	10	14	24
	2	24	41	65
	3	19	16	35
	NG ,	20	24	44
	Total	73	95	168
	Total Morenos	243	265	508
GRIFO	<u>Female</u>			
	1	5	6	11
	2	0	6	6
	3	- 0	0	0
	NG	1	1	2
	Total	6	13	19
	Male			
	1	3	5	8
	2	1	0	1
	3	ō	0	0
	NG	1	. 0	1
	Total	5	5	10
	Total Grifos	11	18	29
PARDO	Female			
PARDO	1	55	32	87
	2	45	44	89
	3	2	1	3
	иĠ	20	17	37
	Total	122	94	216
		122	24	210
	Male	51	38	89
	1		15	31
	2	16	2	4
	3	2	15	21
	NG	6		145
	Total	75	70	361
	Total Pardos	197	164	361
CUARTER				
	1	18	8	26
	2	4	5	9
	3	0	0	0
	NG	1 :	0	1
	Total	23	13	36
	<u>Male</u>			
	1	.11	10	21
	2	0	0	0
	3 ,	0	0	0
	NG	0	0	0
	Total	11	10	21
	Total Cuarterones	34	23	57
TOTAL		485	470	955

TOTAL 485 470 955 Note: Phenotype of children manumitted with mother often not noted in document and not included in tabulations. NG-NOt Given

Sources: Notarial Records.



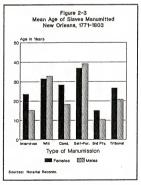
only slightly lower than that of slaves for whom the slave or a third party requested liberty (24.1 years). Table 2-5 details the age distribution of liberated slaves by year, type of manumission, and gender, and Figure 2-3 summarizes this mean age data across the sample. Both the table and bar graph show that in most years and types freed female slaves were older than males, 27 although overall, males who purchased themselves or obtained liberty by testament were on average one to two years older than their female counterparts. While still living, masters preferred to manumit graciosamente female slaves in their twenties and thirties along with their young male and some young female children, whereas they freed older slaves in their wills or

Table 2-5 Mean Age of Slaves Manumitted* by Year, Type, and Gender New Orleans, 1771-1803

Years		vivos	W i	11 _M_		tion _M_		Pur.		arty M		nal M
1771 to	20.6	22.2	23.7	25.3	29.4		37.9	56.7	2.4	7.7	50.0	
1773	N=68	N=25	N=13	N=7	N=7	N=0	N=16	N=3	N=4	N=6	N=1	N=0
1781	26.8	14.4	38.2	47.3	28.6	9.8	37.3	36.8	19.4	9.0	25.5	20.6
to 1783	N=45	N=22	N=18	N=9	N=5	N=5	N=32	N=18	N=16	N=6	N=6	N=3
1791 to	23.1	6.6	28.4	30.5	18.5	60.0	33.8	50.8	18.0	9.9	24.6	26.3
1793	N=44	N=24	N=19	N=14	N=2	N=1	N=28	N=4	N=30	N=25	N=7	N=7
1801	25.7	18.9	38.7	26.4	31.3		39.1	36.4	13.2	11.1	26.8	2.1
to 1803	N=42	N=27	N=6	N=7	N=4	N=0	N=31	N=21	N=52	N=48	N=4	N=2
TOTAL	23.6	15.1	31.6	32.8	28.4	18.2	37.0	39.1	15.1	10.4	26.8	20.8
N	199	98	56	37	18	6	107	46	102	85	18	12

^{*} Many documents did not specify age, especially for those slaves going before a tribunal.

Sources: Notarial Records.



with conditions. Kin and friends usually purchased the liberty of young slaves, with several slave mothers buying their own freedom and that of their children. To accumulate the funds needed to purchase one's freedom often required many years of labor and saving, as evidenced in the higher average ages of coartado slaves. Male and female slaves in their productive adult years (about age twenty to forty) most commonly possessed the resources, such as skills and physical strength, needed to buy their liberty. Then again, masters were more reluctant to part with their prime slaves, forcing them to turn to tribunals for redress.

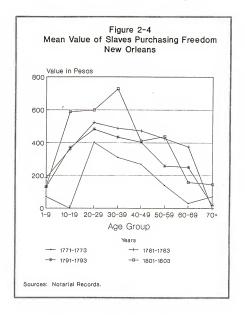
With each passing decade the average value of slaves manumitted by exchange of money or goods rose (Table 2-6 and Figure 2-4). This increase was especially noticeable for slaves between the ages of zero and forty-nine and for the years 1771-1773 to 1781-1783 and 1791-1793 to 1801-1803. For all sets of years, with the exception of the last, the value of slaves whose cartas had to be purchased peaked at age twenty to twenty-nine and declined with each ten-year age increment. To free a child or teen female slave usually cost more than a male, but as slaves got older the value of males surpassed that of females. In general, the value disparity was greatest among slaves in their forties. 28

No matter what the age, however, purchase of a carta represented a major investment for the slave or a thirdparty white, free black, or other slave. In Louisiana the price of freedom increased during the Spanish period and rose even higher in the antebellum era as officials closed the foreign slave trade and restricted opportunities for

Table 2-6 Average Value (in Pesos) of Slaves Purchasing Freedom New Orleans, 1771-1803

<u>Years</u>	_1-9	10-19	20-29	Age 6	Froup _40-49	50-59	60-69	70+	NG
1771- 1773	70 (N=3)		403 (N=3)	310 (N=5)	269 (N=4)	140 (N=2)	30 (N=1)	71 (N=3	300 (N=2)
Females	60 (N=2)		355 (N=2)	250 (N=1)	192 (N=3)	80 (N=1)		56 (N=2)	300 (N=2)
Males	90 (N=1)		500 (N=1)	325 (N=4)	500 (N=1)	200 (N=1)	30 (N=1)	100 (N=1)	 (N=0)
1781- 1783	185 (N=14)	360 (N=4)	523 (N=13)	489 (N=14)	473 (N=11)		375 (N=4)		596 (N=23)
Females	225 (N=8)	433 (N=3)	504 (N=10)	399 (N=9)	326 (N=8)	331 (N=8)	200 (N=1)		470 (N=13)
Males	132 (N=6)	140 (N=1)	700 (N=3)	650 (N=5)	867 (N=3)	613 (N=4).	433 (N=3)		760 (N=10)
1791- 1793	129 (N=24)	370 (N=11)	483 (N=23)	434 (N=10)	404 (N=11)	258 (N=6)	250 (N=1)	20 (N=1)	490 (N=32)
Females	135 (N=12)	417 (N=6)	442 (N=16)	393 (N=8)	399 (N=9)	250 (N=5)			339 (N=18)
Males	124 (N=12)	314 (N=5)	579 (N=7)	600 (N=2)	425 (N=2)	300 (N=1)	250 (N=1)	20 (N=1)	523 (N=14)
1801- 1803	131 (N=24)	588 (N=4)	599 (N=14)	728 (N=13)	410 (N=6)	439 (N=7)	158 (N=4)	145 (N=1)	563 (N=12)
Females	135 (N=8)	588 (N=4)	638 (N=8)	630 (N=9)	332 (N=5)	325 (N=3)	143 (N=3)	145 (N=1)	493 (N=7)
Males	129 (N=16)		549 (N=6)	950 (N=4)	800 (N=1)	525 (N=4)	200 (N=1)		660 (N=5)

Sources: Notarial Records.



manumission. Many people of color and poor whites labored long years and used most of their scarce resources to free themselves or friends and kin, indicating the premium they placed on freedom. Whether real or not in material terms, there was at least a perceived difference between bondage and liberty.

Case Studies: Category One Manumissions

Inter Vivos

The most common type of legal path to freedom, manumission granted graciosamente (gratis) by the master during his or her lifetime comprised one-third of the total 988 sample cases and almost two-thirds of Category One cases found for the era of Spanish rule. In many instances a slaveholder liberated without compensation an adult woman and her children, or even more complex kin units. In 1773 Don Juan Robin, Sr. manumitted his morena slave María, age forty-eight, and three of María's children, all pardos born in Robin's house: Juan Luis (eighteen), María Juana (twenty-seven), and Isabel (twenty). In addition, Robin freed Isabel's two young daughters, Juana and Francisca. A few months later Robin voluntarily freed Catarina, an eighteen-year-old morena, and her four-year-old daughter, Holineta, also born in his house. Robin concurrently recorded his last will and testament in the notarial archives and passed away soon thereafter. 29 Almost two decades later the Anglo merchant brothers Evan and James Jones freed graciosamente a morena slave, her parda daughter, and her cuarterón grandson, each generation a lighter phenotype. They manumitted the women for their long years of service and the eleven-month-old baby boy out of love and affection $^{\rm 30}$

Slaveholders usually manumitted these female-headed families for good and loyal services and the love and care they had shown the master, without any allusion to informal sexual relationships or common law unions. In some cases, however, these kinds of relationships can be deduced. For example, in 1773 Raymundo Gaillard manumitted his parda slave Marion, forty-seven years old, along with her six children, all cuarterones: Constanza (thirteen), Margarita (eleven), Adelaida (nine), Raymundo (at seven the only son, probably named after his father), Helena (five), and Bacilia (eighteen months). In 1775 these same children received a donation of property from Gaillard, and according to the 1778 census of New Orleans, the parda libre Marion, her eight children, and one slave woman lived with Gaillard, a cooper, on the left side of St. Ursula Street. When she wrote her will in 1802, Marion Dubreuil identified herself as a parda libre, native of New Orleans, and natural daughter of Juana, a deceased morena libre. She also listed her eight surviving natural children, five by Don Raymundo Gaillard and three older ones by the now dead moreno libre Bauptista. Among her belongings was a plot of land on the corner of Dumaine and Bourbon on which Don Raymundo had built her a house. Her codicil dated six months later added

two more children mistakenly omitted from her will:
Bautista and María Luison, father unidentified. 31

Another man who emancipated and co-resided with his parda mate and their offspring was Don Santiago Lemelle, a ship captain and native of New Orleans of French and German parentage. After holding her as a slave for ten years. Lemelle freed Jaquelina and her children Agata, Tonton, and Adelaida in 1772. Shortly afterward, Jaquelina purchased cartas for her daughter María Juana and granddaughter Julia from Don Francisco Lemelle, brother of Santiago for 200 pesos. Don Francisco added the condition that Julia, who was four years old, serve him as his slave until she reached the age of twelve. According to the 1778 census, Santiago, Jaquelina, their four children, and one female slave lived on the left side of St. Ursula Street, probably near the Gaillard family. 32 Lemelle died in 1784, and "although he did not admit paternity in his will, Santiago Lemelle named the free mulatress Jacquelina and her children, Agata, María Juana [alias Tonton], and Adelaida, his universal heirs."33 Don Santiago specifically donated to all three some houses on Royal Street, to Jaquelina a morena slave named Francisca, and to her daughters a morena slave named Eulalia, 200 pesos, and one-half his household goods. Jaquelina Lemelle also had a son named Luis Dusuau, cuarterón libre, by Don Joseph Dusuau de la Crois.34

White and free black slaveholders who manumitted slave women and their children the same or the next day after purchasing them most likely were united in consensual unions. Take for example Juan Duriol and Juan Jason. In 1793 Duriol bought from Miguel Dapena a thirty-six-year-old morena slave and her three-year-old pardo son and freed them the next day graciosamente for services (of one day?) and affection. One month earlier Jason, a moreno libre, purchased and liberated a morena slave, forty-two years of age, and her eighteenth-month-old daughter. No other reason than love motivated Jason's act. 35

That same year strong feelings of affection moved Don
Luis Hazeur Delorme, Cavallero de la Real y Militar Orden de
San Luis and Antiguo Capitán Comandante del Regimento de la
Guadelupe, to manumit graciosamente his three-month-old
cuarterona slave Helena. His mother had donated Helena to
him that very day. In addition, Don Luis paid his mother
600 pesos to free Helena's mother, the parda Feliciana.
Eleven years earlier Hazeur Delorme had bought and
manumitted a young parda named Victoria. Love, affection,
and services provided by Victoria's morena mother, also a
slave, motivated Hazeur Delorme's actions. 36 Other men also
purchased and freed only the child, leaving the mother and
presumed consort in slavery. On the same day Don Francisco
Demasillière bought for 500 pesos and manumitted

graciosamente his natural daughter María, a parda, but did not purchase María's morena mother. 37

Indeed, when a slaveowner freed the very young pardo children of a morena slave, the stock term "for services rendered" can be doubted and a closer relationship than master/slave postulated. In 1776 Don Alejandro Chauvin de la Frenière voluntarily emancipated María Serafina, three years old, and Rosa, eighteen months old, parda daughters of his morena slave Carlota. He freed them out of great love for their mother and other particulars that moved him. 38 Don René Huchet de Kernion manumitted the young pardo sons of the morena slave Susana: Francisco, Jácobo, and Junón, whom he had inherited from his father. 39 One white slaveholder, Vincent Boyeau, emancipated his morena slave María and her parda daughter Magdalena, about two years old, because of the love he felt for her and the child and the fact that María had produced twelve children while his slave. 40

Other special relationships prompted inter vivos manumissions. The New Orleans merchant Don Claudio Francisco Girod freed graciosamente his pardita slave Francisca, the six-year-old daughter of his morena slave María Roseta, because she was his goddaughter. In 1781 Don Francisco Broutin manumitted freely his morena slave Carlota, forty-five years old, for nursing his two youngest children. One white man freed his loyal, responsible

slave overseer, while another slaveholder granted a carta to his pardo slave for twenty-three years of service. 43

Occasionally slaveholders officially admitted paternity when freeing their slaves inter vivos. When Carlos Begin manumitted the pardito Carlos, he recognized the slave as his natural son by the morena María, also Begin's slave. Ten years later the moreno libre Francisco Montreuil, alias Dedé, freed his two adult slave sons: Luis, about thirtyfour years old, and Basilio, about twenty-three years old.44 In one strange and complicated case a half-brother and sister -- the moreno libre Luis Maxent and the parda libre Margarita Duplanty, wife of the white Don Roque Fantoni -agreed to manumit a slave they had both inherited from their mother, a morena libre. The slave was Luis Maxent's threeand-a-half-vear old son by another of his mother's slaves. the morena Mariana. In addition, Maxent conceded to sell his interest in the slave Mariana to his sister. Mariana went to Havana where Duplanty and her husband resided, while the young child stayed in New Orleans with his father. 45 Like many whites and free blacks, Maxent cared about his child, but showed no interest, except monetary, in the mother.

Free people of color, as well as whites, manumitted slave kin and property by inter vivos donation. The moreno libre Enrique Samba issued cartas to his morena slave and her daughter at the end of nine years of service. In

addition to holding slaves as property, free blacks purchased and freed siblings, children, grandchildren, and godchildren. For elderly free persons of color in particular the sums required to buy and manumit slave kin took long years to accumulate; they could afford to invest in little else. 48 In some instances free blacks had to purchase relatives and friends on credit and could not free them until after repaying the debt. For unexplained reasons, one pardo libre, Juan Medes, bought his grifo son Luis but did not manumit him until twenty years later. 49

As seen in some of the above cases, former masters occasionally provided for the training, care, and welfare of young slaves they recently manumitted graciosamente. Upon freeing his pardo slave Andrés, ten years of age, Andrés Esclarón wanted to ensure that his former slave, and probable son, would be able to support himself. Esclarón thus apprenticed Andrés to Joseph Montanel, master shoemaker, for a period of two years. Esclarón agreed to pay Montanel ninety pesos for the apprenticeship: forty at the end of one year and the remaining fifty at the close of the second year. 50

Although not as frequently as children, elderly slaves were also manumitted voluntarily without conditions and during the master's lifetime. When liberating older slaves, few slaveholders provided for their future care, or at least the records do not indicate so. Some donated items to them

at a later date, and as we will see below, masters who liberated slaves in their wills also tended to bequeath them goods, although not exclusively or even primarily to elderly bondspersons. A typical inter vivos case was that of the emancipation of Catin, an eighty-year-old morena whom Don Pedro Deverges and his wife, Doña Catalina Dupard, manumitted without any allowance for her impending needs. 51 A slave for her entire life, Catin -- and other elderly freed persons like her -- at age eighty could not hope to provide for herself other than by begging, stealing, or relying on friends and relatives.

New Orleans slaveholders also voluntarily liberated elderly slave couples, which might have reduced the exslaves' economic hardships and concurrently increased their support mechanisms. Once manumitted, these elderly black couples could enjoy their freedom together, even though they probably would not live long. On the other hand, without children or kin to help them, old slave couples could also double the burdens they placed on one another. Either way, slaveholders made few economic sacrifices by freeing any bondsperson over fifty years of age; indeed, through manumission, masters often avoided the expense of caring for an infirm slave. Though slightly better off than those elderly slaves who had to pay for their freedom, freely manumitted seniors nevertheless were usually discarded and

abandoned by their masters once their productive years had ${\tt passed.}^{52} \\$

By Testament

In addition to manumitting slaves unconditionally during the master's lifetime, slaveholders wrote provisions into their wills for the eventual liberation of beloved servants. Time lapses between writing of the last testament and actual death, and thus freedom for the designated slave, could span a few days or several years. 53 Masters seldom granted cartas to all their slaves en masse. In their wills they selectively conferred liberty gratis to a favored few, allowed others to purchase their freedom, and relegated the majority to continued bondage.

Some dying owners emancipated slaves in family units. According to his last will and testament, Don Antonio Bienvenu, regidor perpetuo of New Orleans and the father of eight children, freed two slave couples with children, two childless couples, and one individual. Acting as testamentary executor for the estate of his brother Pedro, Don Alejandro Boré liberated the morena Luisa, thirty years, and her five children, ages seventeen, eight, six, five, and one and a half years — all pardos except the youngest. The four older children might have been Boré's natural offspring. The will of one free woman of color, Perrina Daupenne, ordered cartas for five of her ten slaves,

including a morena woman from Guinea and her two parda daughters. She granted one of the five slaves his carta right away rather than at her death. The Not infrequently slaveholders manumitted only parts of families, leaving some in slavery and releasing others from their bonds. For example, Don Luis Cheval arranged in his will of 1771 cartas de libertad for his morena slave Ursula, age sixty, and her morena daughter Manon, age forty. Cheval did not free Manon's five pardo children, also his slaves. With any luck and much hard work, Ursula and Manon might accumlate enough money to purchase the children's cartas.

As with inter vivos donations of liberty, masters who freed slaves in their wills occasionally admitted paternity. On 5 May 1802 Juan Garro declared in his last will and testament that his slave, the pardito Juan José, was also his natural son by his other slave, the morena Rosa. Garro manumitted Juan José and named him his only heir. In his codicil of the next day Garro also ordered a carta for Rosa, although he did not leave her any goods. ⁵⁸ That same year another white man, Don Juan Bautista Nicollet, denied paternity of one person of color while acknowledging fatherhood of another. In his will Nicollet emphatically revoked, denied, and declared null and void a note written in Spanish that he was forced to sign on his death bed in which he recognized Magdalena Chauvin as his natural daughter. He claimed that the note was signed under duress

and totally false. Nicollet, however, **did** recognize as his natural child his slave named Luis Nicollet, provided for his son's manumission, and gave him 2,000 pesos. Nicollet ordered his testamentary executor to administer the donated money until Luis reached majority age and also to care for and educate Luis. In other articles Nicollet issued a carta for his slave Magdalena and gave her 2,000 pesos and donated smaller sums to his slaves who remained in bondage, including one of his slave godchildren.⁵⁹

Like Nicollet, slaveholders freeing their slaves by testament sometimes donated goods to these slaves or provided for their care in other ways. With respect to the advanced ages of two slaves he manumitted by testament --Bautista, age seventy, and Francisco, age sixty -- Juan Arlu also gave each one 100 pesos. 60 In partial compensation for the beneficial services and loving care given her, Doña Adriana Aumar emancipated in her will her morena slave Adriana, thirty-five years of age, and donated to the slave sixty pesos, one of her beds, clothes, and household effects. 61 In his will of 1783 Claudio Tomás Pedro Metoyer, a citizen of Natchitoches and resident of New Orleans, made public a private note written in 1778 that declared free his morena slave María Theresa. At Metoyer's death his executor was to issue cartas to María Theresa's eight children, whom he had recently purchased. In addition, Metoyer donated to the eight children, María Theresa, and her two other

children born free five arpents of land on the Red River in Natchitoches district and one-third his goods. He made this donation "para ayudarlos portar los cargos de la libertad" (in order to help them bear the burdens of freedom). 62

Joseph Meunier stipulated that his executor freely liberate his slaves María Juana, a forty-five-year-old morena, and her thirteen-year-old parda daughter, and he donated two arpents of land to them. Also in the will Meunier ordered cartas for three other slaves — Jeanot, a blind moreno, seventy years; Estevan, a paralytic moreno, forty-five years; and Angélica, an asthmatic morena, forty years — without providing for their future welfare. 63 It is doubtful that Meunier acted in the best interests of these old, infirm slaves by "freeing" them.

Occasionally slaveholders guaranteed liberty to slaves only after their spouses' death. Don Antonio Felipe Marigny de Mandeville's will provided that the pardo slave Pablo be freed only on the death of Marigny's wife; in the meantime Marigny donated to Pablo all his "gross," or coarse, clothing.⁶⁴ One unusual testament combined provisions for a slave's welfare and paid labor along with compensation for the heirs. On 11 June 1776 Francisco Gauvin composed his will in which he specified that his heirs were to pay his morena slave Rosa, eighteen years of age, seventeen reales (eight reales to one peso) per month and supply her with food and clothing for a period of ten years. The heirs were

to free her at the end of the ten years in exchange for her accumulated wages. Gauvin died two days after making his will. 65

Free persons of color also wrote wills in which they freed slaves. Simón, grifo libre, liberated his morena slave María, sixteen, whom he had raised in his house like a daughter, and appointed his grandfather, the moreno libre Alexandro as guardian of María. Simón also named her his only heir to property that included twelve cows, seven horses, and two arpents of land four leagues upriver from New Orleans in the district of Tchoupitoulas. 66 The morena libre Magdalena Naneta, alias Lecler, ordered her executor to free at her death two of her three slaves and to purchase the freedom of her slave husband at his estimated worth. 67

Conditional

New Orleans slaveowners frequently emancipated their slaves, including very young and old ones, voluntarily but with the condition that the freed person continue to serve his or her former master or heirs for a number of years or for the rest of the master's life. 68 While working for their masters, former slaves in some instances were treated as free persons, able to sue and be sued, buy and sell property, and make contracts. At other times masters stipulated that these nominally free persons continue to serve them as slaves, and if they did not, the promise of

freedom could be revoked. For example, Don Cecilio Odoardo. lawyer of the royal audiencia of Santo Domingo and lieutenant governor of Louisiana, manumitted the two parda daughters of his parda slave Margarita -- Feliciana, seven, and Margarita, five -- on the condition that for the rest of his days they remain in his house and labor for his family and accompany him on journeys when his duty to the king called. In addition, if the slave Margarita caused Odoardo any problems, the act of manumission for her daughters was to be declared null and void. 69 A more generous master was Don Pedro Rousseau, royal naval officer, captain and commander of the Spanish ship named Galveston. In October 1782 he manumitted his twenty-four-year-old parda slave named Pelagia contingent upon six years further service, but one year later he cancelled that obligation and ratified her status of freedom. 70

Occasionally slaveholders freed their slaves with conditions but also furnished them with goods or property to make the transition to free status smoother. When liberating her parda slave named Feliciana, eighteen years old, Doña Elizabetha Josepha Monteau de Monbereaux stipulated that the slave labor four more years but donated to her ten arpents of land and ten cows with their calves. The Sisters of the Convent of Saint Ursula freed their fifty-five-year-old moreno, Joseph Leveillé, a servant in their convent since his youth. They did so with the

condition that Joseph continue his services and conduct the convent's business dealings as he had done for many years. In turn they gave Joseph the meals he needed so that he could carry out these services. Apparently the Ursulines considered Joseph a free person because he was designated as such when one year later he sold the Sisters two moreno slaves. When Juan Arnaldo Valentino Bobé left Louisiana in 1772, he instructed the person to whom he gave power of attorney to issue a carta for his slave María, then fifteen years old, after three years of additional service. Bobé vowed to reimburse her three years of labor with two arpents of land, two huts, and two cows. María, however, chose to exchange the promised property for her freedom and did so in 1773.73

At the other extreme was the master who combined conditional voluntary manumission with self-purchase in freeing a slave, thus placing a double burden on the freed person. For a sum of 300 pesos Don Juan Duclos liberated Cubidon, a thirty-year-old moreno creole. Duclos added the condition that his former slave serve him for four more years in the manner that Cubidon had done as a slave. The Fray Bernabé manumitted two of his slaves: María, about forty years old, who had labored for him since 1751, and her daughter Carlota, two years. Bernabé gave them their freedom for 300 pesos — the amount he had paid for María—and the promise of service the rest of his days on earth.

The morena libre Catalina Vallière ordered a carta for her only slave, also named Catalina, but then added the note to her testament that the slave was to rent herself out and turn over her wages to Vallière's executor until a 100-peso debt that Vallière owed was satisfied.⁷⁶

There were a few cases from the Spanish era in which masters liberated their slaves graciosamente, only to have the former slaves turn around and obligate themselves to serve their former owners for a period of time. Apparently not all slaves welcomed the uncertainties of freedom, and some preferred the security of familiar surroundings and relationships. On 16 July 1778 Doña Elizabeth de Montault Dauterive unconditionally manumitted her nineteen-year-old cuarterona Felicidad, daughter of Dauterive's other slave Margarita, a mestiza. Moved by this generous act, the next day Felicidad voluntarily signed a note of obligation to Dauterive that stated she would labor four more years. 77 a similar case in 1772 Luisa, a twenty-one-year-old morena libre, obligated herself to serve her former master, the wholesale merchant Don Gerónimo La Chiapella, who had freed her two months prior. Luisa stated that she acted voluntarily in recognition of the great benefits her former master had given her by freeing her graciosamente and that she gave him, or his widow if he should die, complete dominion over her as if she were a slave. Although the obligation was to last four years, La Chiapella cancelled it in 1773.⁷⁸ Later in the period the morena Victoria Boisclair, manumitted gratis only moments before, pledged to serve her former mistress, Doña María Luisa Darensbourg Boisclair, the remainder of Boisclair's life.⁷⁹ Perhaps these newly-freed women truly wanted to remunerate their former owners for generous acts, lacked the resources, skills, and kin networks needed to survive as free persons, or wished to retain benefits stemming from ties of patronage to influential whites.⁸⁰ Many ex-slaves continued to serve former masters, domestics in particular, but few labored without monetary compensation.

Case Studies: Category Two Manumissions

Self-Purchase

During the Spanish period of rule, a rising proportion of slaves in New Orleans acquired liberty through purchase, either directly from the master or indirectly by the governor's tribunal (refer to Table 2-3). This process of self-purchase was known as coartación, "a peculiarly Spanish custom which slowly worked itself into law" in Cuba. According to custom, a slave could pay for him or herself by installments or in one lump sum, and if the slave were sold, the credit amassed toward self-purchase would be transferred to the new owner. The master issued a carta de libertad either once the entire sum had been paid or when a certain amount of it had been received. In the latter scenario the

ex-slave repaid his or her former master with salaries earned as a free person. 81

A common practice throughout Spanish and Portuguese America and an occasional one in the French and British colonies, coartación had become formalized into law in Cuba by the eighteenth century, and when Louisiana came under Cuba's jurisdiction, coartación was implemented there, too. Slaves presented their purchase price with either earnings gained by their own efforts or money supplied by relatives or friends. In accordance with an old colonial custom, most slaves, especially urban slaves, were allowed some free time during which they sold their services or grew crops to sell; the Spanish continued and legalized this custom. Slaves began to realize that their "aspirations for liberty rested on the administration of justice by the Spanish in the colony." The institution of self-purchase "expressed the Spanish recognition (1) that slavery was not the natural condition of men; (2) that slaves had a right to aspire to freedom; and (3) that masters had a right to just return for their property."82 It also recognized the slave's property rights.

Although many Iberian American colonies practiced the custom of self-purchase, some scholars have attributed its legal formalization solely to Cuba. For example, Baade states that

Cuba practiced a system of self-purchase (known as coartación) even more advanced than that described in general terms by the Intendants. Cuban slaves could purchase their freedom, as it were, on the installment plan, with the double advantage that their purchase price was fixed at the early stage, and more 'free time' became available for outside employment to obtain funds for payment of the balance remaining. So far as can be determined, this type of limited self-purchase was not practiced outside of Cuba. ⁸³

cases from the New Orleans notarial records, however, reveal that officials acting for Spain did implement, adjudicate, and enforce the right of slaves to self-purchase through gradual payment. Slaves bought their liberty in large or small increments. Most slaveholders required complete restitution before issuing a carta. Don Fernando Alzar manumitted his morena slave Julia, age thirty-eight, whom he had purchased "coartada" three and a half years earlier, when she compensated him the sum he had paid for her. 84 One testamentary executor registered her promise to free Clemencia, a twenty-six-year-old morena from the Guinea nation, if she paid 400 pesos over a three-year-period.85

Other masters granted cartas to slaves who had satisfied only part of their purchase price, with a promise to complete the transaction. In 1791 Don Francisco Carrière and his wife Doña Julia de la Brosse manumitted their moreno slave Michaut for 1000 pesos. At the time Michaut had already deposited two installments of 500 and 100 pesos with his owners, and he swore to pay the remaining 400 pesos at a rate of 5 pesos per month. Acting for his father Carlos.

Don Pedro Frederico Darensbourg freed the creole morena Margarita, twenty-three years old, for 500 pesos, 400 of which she had already paid and the other 100 due within eight months. 86

Spanish law in Louisiana, as in Cuba, also guaranteed the slave's right to transfer a promise of freedom and sums paid upon purchase by another person or on the death of the master. In 1802 José Montegut sold his forty-year-old male slave, an accomplished shoemaker, to the pardo libre Aqustín Bins, also a shoemaker. Montegut had promised the slave his freedom for 700 pesos, and the slave had already contributed 350 pesos. Thus, when Montegut sold the slave to Bins, he did so for 350 pesos and on condition that Bins free the slave upon payment of that amount. When Don Santiago Hursol purchased the parda Juana in 1775, he did so with the express obligation and condition to allow the parda to work and pay for what remained of her self-purchase price. By June 1779 Juana, now nineteen years old, had turned over 250 pesos to Hursol, and he issued her carta. 87 Another white man affirmed his coartado slave's right to self-purchase in his will. Don Nicolás Redon Delille stipulated "es mi voluntad que el mulato Aqustín mi esclavo que de coartado en 600 pesos y que entregando esta suma se le ortorque la correspondiente Escritura de libertad" (it is my wish that my mulatto slave Agustín, who is purchasing himself for 600

pesos, be issued the corresponding manumission papers upon delivering this sum). 88

Most slaves, however, bought their cartas with a onetime payment. Upon request, masters commonly allowed slaves to purchase themselves and sometimes even an entire slave family. In 1772 Juan, a pardo slave about forty years old, paid his owner, Don Francisco Lemelle, 500 pesos for his carta.89 María Luisa, the thirty-two-year-old parda slave of Don Jácabo Dubreuil, second lieutenant of the Battalion of the Plaza de Armas, requested from her master her carta and that of her four children: Noël (seven), Joseph (five), Miguel (two and a half), and Francisca (three months). She paid Dubreuil 500 pesos for their freedom. 90 In this case and many others like it. María Luisa purchased herself and then acted as a third party to buy the cartas of her children. A more complex kin group purchase involved the fifty-three-year-old morena Magdalena, who bought her own liberty for 350 pesos and within the next few days purchased cartas for her twenty-year-old son Francisco (300 pesos), twenty-three-year-old daughter Lileta (350 pesos), and Lileta's two young sons Francisco and Carlos (150 pesos each).91

Several slaves fifty-years of age and older had to pay for liberty, boosting the overall mean age of slaves manumitted by self-purchase to its high level, well above any other type. The sums senior slaves paid were usually nominal, but they nevertheless attested to years of sacrifice and toil. Their resources and physical stength expended for the gain of their owners, elderly freedpersons faced a dismal future, unless they had kin or patrons to assist them. One of the oldest slaves to purchase her freedom was the morena Magnón. She was ninety-six years old when she paid thirty pesos to Nicolás Sampana to liberate her. 92 In 1777 the free morena Juana liberated her seventy-year-old moreno slave named Hipolito of the Fond nation when he paid her twenty pesos. 93 Don Carlos Tarascón freed Agustín, a seventy-eight-year-old moreno, for the rather high price of 100 pesos. 94 Don Hilario Boutte also charged his two elderly slaves -- the sixty-year-old pardo Cezar and the fifty-five-year-old morena Margarita -- the substantial sum of 295 pesos. 95

Fortunately, more generous slaveholders and residents abounded. On 12 February 1783 a second lieutenant of the urban militia of New Orleans, Don Henrique Mentzinger, bought a moreno slave named Pedro; Don Henrique then let Pedro purchase his carta that very day at the price Mentzinger had paid for him, 370 pesos. 96 White and free black vecinos also loaned money to slaves so that they could "retirar de la esclavitud" (withdraw from slavery). For example, the merchant Don Antonio Ramis loaned Santiago, alias Apolón, 240 of the 800 pesos needed to buy his freedom from Juan Reymundo Escot. And the morena libre Cecilia

signed a note of obligation to work for Luis Patus at a salary of 6 pesos per month until she repaid the 325 pesos 5 reales borrowed to purchase her liberty. The 1782 the free moreno Luis borrowed 500 pesos, guaranteed with some of his real property. Luis in turn loaned the money to his legitimate sister María so that Father Antonio de Sedella, head of the Inquisition in Louisiana, would issue her a carta. 98

In one unusual case a slave gave to her master another slave in exchange for her freedom. Doña Luisa Dutisne manumitted Carlota, a sixty-year-old morena, when Carlota presented Dutisne a young moreno slave named Telemaco, ten or eleven years of age. 99 Although the practice of substituting one slave for another in order to obtain freedom was rare in New Orleans, it was customary in Rio de Janeiro, Brazil. During the first half of the nineteenth century supplies of slaves were plentiful and prices low in Rio, and slaves frequently owned other slaves. Mary C. Karasch has found that masters of trusted skilled and managerial slaves "permitted them to acquire property for their own use, including land and other slaves, and eventually to earn their freedom by buying themselves." Slave artisans or retailers in particular possessed the means to purchase freshly arrived Africans, teach these bozales their craft, and acculturate newcomers in the process. Skilled slaves then exchanged the newly trained

slaves for their own freedom. Masters, in turn, received young, skilled, <u>ladino</u> (an African who had been "seasoned") slaves to replace older bondspersons. ¹⁰⁰ The New Orleans slave Carlota probably engaged in much the same process.

At times masters reneged on their promises of freedom, causing other slaves to exercise greater caution. In March 1777 the morena Carlota requested that her master, Carlos Philibot, formally register in front of a notary his intent to free her upon payment of 283 pesos. Carlota had already given him 50 pesos; 33 pesos were due within one month, and the 200 pesos remaining were to be paid by the end of December 1777. Until Carlota satisfied the entire purchase price she had to serve her master. Philibot appeared before the same notary in April 1778 to report that Carlota, thirty years old, had presented him the agreed upon sum and he wished to issue her carta de libertad. 101

Third-Party Purchases

A relative or friend often paid the price of a slave's freedom, and because some documents did not specifically state the source of funds, financial aid from kin and acquaintances was probably more common than the numbers in Table 2-3 indicate. Whites, free blacks, and slaves requested masters to free certain bondspersons and supplied the money to do so. Nicolás de Allo demanded and paid 250 pesos to the wholesale merchant Don Claudio Francisco Girod

for the carta de libertad of José, the six-month-old pardito son of Girod's morena slave Theresa. Although he did not state it publicly, Allo most likely was José's father. 102 White fathers who admitted their paternity included Don Honorato Orao, padre natural of the pardito Martín, eight years old and the son of a morena slave named Adelaida. Orao paid 400 pesos to Don Santiago Larcher for Martín's carta. One month earlier Francisco Prera gave Don Luis Dupin 150 pesos for the carta of an unnamed nineteen-day-old cuarteroncita, the daughter of Prera and Dupin's parda slave Catiche. According to terms of the contract, Prera allowed the baby to stay with Catiche for one year and paid all expenses arising from its care and upkeep. 103

Children were much less expensive to manumit before, rather than after, they were born. A father who purchased the carta of a slave fetus paid only twenty-five pesos, and several white men risked that sum in order to take advantage of a bargain. Such a venture entailed some gambling because the child could be stillborn or die soon after birth. One white man, José Gilly, attempted to reduce elements of risk by paying the expenses of a midwife and renting the pregant slave, Leonor, at ten pesos per month until she delivered the baby. Gilly, however, assured Leonor's owner, the parda libre Francisca Robert, that Leonor could continue to serve Robert as long as she did not overwork her. 104

When prominent white men did not want their names associated with the carta purchase of a slave child, they used agents. In 1793 Don Joseph Xavier de Pontalba, lieutenant colonel of the royal army and commandant of the German Coast, issued a carta for his ten-year-old pardita slave Eugenia, daughter of his morena slave Mariana, in exchange for the 300 pesos Don Juan Bautista Beauregard gave him. Beauregard was commissioned for this task by a Señor Frachinet ("encargado para este efecto del Sor. Frachinet"), most likely the child's father. 105

Free persons of color also purchased cartas for slave kin. After soliciting Don Joseph Villar on many occasions, the parda libre Marion finally convinced him to liberate her son Janvier, a nineteen-year-old creole pardo, for 400 pesos and her daughter Luisa, alias Mimi, a creole grifa about twenty years of age, for 200 pesos. 106 In 1782 the free pardo Petit Baptista paid Doña Elizabeth Larroche, legitimate wife of Don Gilberto Antonio de San Maxent, the exorbitant sum of 400 pesos to free his nine-year-old parda daughter. Three months later Petit Baptista also purchased from Larroche the carta of his younger daughter, a six- or seven-year-old parda. 107 In 1775 the thirty-nine-year-old morena Francisca reimbursed her master, Don Roberto Montreuil, 800 pesos for her freedom and that of her parda daughter Naneta. She also registered her obligation to pay Montreuil an additional 300 pesos within one year; she

canceled the debt one year and two days later. By 1777 the morena libre Francisca Montreuil had accumulated the 300 pesos needed to purchase from Don Roberto the carta of her son Carlos, a twenty-year-old pardo blacksmith. 108

In addition to paying with cash, free people of color also exchanged their services for the freedom of a loved one. The free pardo Estevan contracted with Don Francisco Langlois in 1792 to serve for five years in whatever capacity Langlois desired. In return Langlois granted Estevan the favor of freeing his mother, the parda Tonton, valued at 400 pesos. Langlois also promised to maintain, feed, and care for Estevan if he became ill. 109 Don Francisco Bouligny and his wife Doña María Luisa Dauberville manumitted their creole morena slave, also named María Luisa, for 350 pesos. This amount just happened to equal the salaries they owed Francisco Dubreuil, pardo libre, for the time he had worked on their habitación (plantation). 110

Like whites and free blacks, slaves paid masters to issue cartas for friends and relatives, but most likely such purchases involved much greater personal and material sacrifices. When slaves used scarce resources to manumit others, they placed a desire to liberate fellow bondspersons above their own freedom in true acts of compassion, consideration, and selflessness. Examples include the moreno slave Santiago, who relinquished 100 pesos to

purchase a carta for Honorato, a twenty-year-old blind moreno and probably Santiago's son. 111 The parda slave Margarita gave Don Juan Bautista Senet 200 pesos to manumit her quarterón son Pedro, two years of age. 112 One slave mother convinced her free brother to purchase the freedom of her child, and another requested the carta of her daughter with funds provided by the child's godmother, a morena libre. 113 Don Carlos Delachaise's moreno slave Francisco requested the carta of his eighteen-month-old morena daughter, who along with the child's mother were also slaves of Delachaise. Francisco gave Delachaise 100 pesos. 114 When the pardo slave Noël purchased his one-year-old son's freedom from the royal treasury, represented by Don Gilberto Leonard, he promised to let the boy stay with his mother, also a royal slave, until able to support himself as an adult 115

This last case and others indicate that white, free black, and slave fathers frequently purchased cartas for their children, while leaving the mother in bondage. One possible explanation might have been that the mother was in a relatively good, stable slave situation, whereas what the child would later face was much more uncertain. Even the occasional grandparent bypassed a slave mother in favor of freeing her offspring. In one such case Don Pedro Lartigue manumitted his two pardito slaves, Eduardo (two and a half years) and Augusto (three months), whose parents were

Lartigue's parda slave María and the cuarterón libre Eduardo Jenkin. Jenkin's mother, the parda libre Margarita Senette, paid 300 pesos for her grandsons' liberty. 116 This was perhaps taking the kindly grandmother role too far.

Of course, not all paternal relatives ignored the mother's fate. One such man was Juan Bautista Hugón, a pardo libre and officer of the free pardo militia, who paid Lorenzo Bailly 250 pesos to liberate Henrique and Constanza, both grifos. They were the children of Bailly's morena slave named María. Upon returning from battle against the British in 1779. Hugón purchased from Bailly his consort María, a forty-year-old morena, and their daughter Celesta, three years old, for 400 pesos. The next day he manumitted both slaves. In his will dated 29 July 1792 Hugón, now a Capitán de las Milicias Pardos de esta Ciudad, designated as his heirs his five natural children, four whose freedom he had purchased. He also requested his testamentary executor, Noël Carrière, Capitán de la Compañía de Negros libres de esta Ciudad, to purchase the carta de libertad of his fifth child. 117

Other free persons of color also stipulated in their testaments that funds from their estates be used to purchase cartas for slave relatives and friends. Before sailing for Havana, the parda libre Margarita wrote her will; she requested that her executor sell her house and land on Royal Street and use the proceeds to purchase the freedom of her

mother Genoveva, a morena belonging to Monsieur Andry. If Genoveva died before the will was executed, Margarita instructed her executor instead to purchase the carta of her brother Luis, a moreno slave of Don Gilberto Antonio de San Maxent. What money remained was to be given to either Genoveva or Luis for their daily expenses. 118 Francisco Brantant, a moreno libre, designated as his only heir his wife of four years, the morena libre Mariana Dupard. At Dupard's death, however, the estate was to be turned over to a morena belonging to Don Miguel Fortier, Sr. named Francisca. Brantant ordered that after his wife's death part of the estate be used to purchase Francisca's freedom at her estimated price. The will did not specify Brantant's relation to Francisca; she could have been his former or current lover, his child, or other kin. 119 When the parda libre María Francisca Riche wrote her will in 1791, she listed among her possessions a house on Royal Street, one slave, and various household effects. She ordered her executor to take proceeds from the sale of some of her goods and purchase cartas for her brother Pedro and her sister María Francisca, both slaves of Don Luis Agustín Meillon. In turn, these siblings were to use what funds remained to free María Francisca's two slave daughters. Two and a half years later Peter purchased his freedom for 550 pesos and María Francisca hers for 100 pesos; both went before a tribunal to force Meillon to free them. 120 Why the above

parties choose not to utilize their resources to purchase kin and friends while still alive is not clear.

Before a Tribunal

When a master refused offers of money in exchange for freedom, the slave, a relative, or a friend could petition in front of a tribunal in order to demand issuance of a carta de libertad at the slave's estimated worth.

Knowledgeable slave appraisors (<u>tasadores</u>) took into consideration circumstances of the times when making their assessments. 121 Although most tasadores were fair and could agree on one value, occasionally the slave-appointed appraisor came up with a low figure, while the master's representative estimated high. In these cases the court-appointed tasador usually settled the dispute with an evaluation somewhere in the middle of the two extremes.

Examples of slaves petitioning for a just appraisal included Catalina, a parda slave who claimed her freedom and after much litigation was granted it for 320 pesos. 122 In June of 1773 another parda named Catalina, thirty-three, requested that the tribunal issue cartas for her and her daughter Felicidad, five years old, for their price of estimation. Catalina and Felicidad, along with Catlina's other two young children, were slaves of the estate of Don Juan Bautista Destrehan. After five months of disputed appraisals the parties involved finally agreed on a price of

320 pesos for both Catalina and her daughter. 123
Insufficient funds also delayed settlement of petitions for manumission. A morena slave of Don Juan Bautista Mercier, Francisca requested her freedom from the "tribunal de la Real Justicia" in June 1791. Appraised at 550 pesos, Francisca could not pay that amount. More than two years later she again appeared before the tribunal with the required money, demanding to purchase her carta. 124

Some slaveholders or their representatives promised freedom but then rescinded their offers, thereby prompting slaves to seek redress through the judicial system. Pupona Eulalia, twenty-seven years old, and Eugenia, eighteen, both morena slaves of Don Pedro Dupain, brought their master before a tribunal in 1792 to demand freedom. After promising to issue their cartas upon payment of 350 pesos each, Dupain had mortgaged them. Like real property, mortgaged slaves could not be sold, transferred, or manumitted. The court sided with Pupona Eulalia and Eugenia. 125 Apparently Mauricio Meillon's executor was reluctant to free three of the estate's slaves because they had to petition to get their cartas. In his will Meillon had granted liberty to Francisco (fifteen). Victoria (nine). and Luisa (two) Moris and donated all his clothes, a bed, and four horses to them. The court ordered cartas issued for the three "en virtud de la que serán habidos y reputados por libres" (in virtue of the fact that they behaved as and were reputed to be free persons). 126

Even slaves of the king petitioned for cartas before courts. In 1776 the morena Juliana approached Don Miguel Almonari for her freedom. Adjutant major of the fixed battalion, Almonari also directed the royal hospital. Juliana was a slave of the hospital and thus belonged to the Spanish crown. She and Almonari went before a tribunal to request the governor's permission to issue a carta at the price of 280 pesos. 127 The slave Agustín also had to bring his overseer, in this case the intendant, Don Martín Navarro, before a tribunal in order to secure official approval of manumission. Agustín formerly belonged to Mr. Bienville, who had participated in de Novan's rebellion against the Spanish government in 1768. Upon asserting control over Louisiana in 1769, royal officials seized control of the rebel leaders' goods, including slaves. Twelve years later Agustín requested and a tribunal granted his freedom for the sum of 550 pesos. 128

Most third parties who petitioned tribunals for a slave's freedom were free blacks. Sisters requested cartas for brothers, daughters for mothers, fathers for sons and daughters. The pardo libre Joseph Casenave brought Don Alexandro Boré before the tribunal and requested that he manumit the morena Magdalena and her pardo son named Joseph, both slaves of the estate of Boré's wife, Doña María Eva

Labranche. Casenave wanted the slaves freed for the amount declared as their value in the estate's inventory. The court issued their cartas for 590 pesos, an amount Casenave agreed to pay Boré within three months. 129 When the moreno libre Juan Bautista convinced a tribunal to manumit his sister Constanza, he agreed that both he and Constanza would support and feed her two-year-old son Francisco, who remained a slave of Don Luis Declouet. 130 Another free man of color, the cuarterón Juan Bautista Cholán, asked a tribunal to free his natural daughter María. Both María and her morena mother belonged to the estate of Don Francisco Chauvin Delery. Because María was now over three years old, Cholán argued that she could live apart from her mother, and the court agreed. It granted María's carta for 200 pesos. 119 pesos and 2 reales of which the estate already owed Cholán for wood. Like many males, Cholán made no attempt to free his slave consort. 131

One white person who pleaded for a slave's manumission was Matheo Platella. He supplied the 425 pesos that bought a carta for Ignés, the morena slave of Madame Arand, after a lengthy dispute in which the estimated price ranged between 500 and 600 pesos. 132 In 1781 Pedro Brunetos ordered Capuchin Father Cirilo de Barcelona before the court and paid 60 pesos for the carta of a pardita born recently to a slave belonging to the monastery and baptized Margarita. Brunetos agreed to let Margarita stay with her mother until

she was old enough to leave. 133 Later that year Francisco Boyard borrowed 500 pesos from Don Andrés Jung in order to pay for a carta he had secured before a tribunal. Boyard successfully sued for the manumission of Carlota, a former morena slave of Santiago Tarascón. 134 Another white man loaned money to and stood as guarantor for the parda libre Juana so that she could purchase her daughter's carta before a tribunal. In turn, the daughter agreed serve her white benefactor until Juana repaid the debt. 135

Conclusion

New Orleans slaves followed several avenues to freedom during the era of Spanish rule in Louisiana. Although for the period as a whole the majority of slaves continued to receive liberty by way of acts instituted by the master, as they had under French rule, a rising proportion initiated manumission proceedings themselves. The slave or an outside party purchased freedom directly from willing masters and indirectly from more reluctant owners through the governor's tribunal. Spanish administrators in Louisiana implemented this custom of coartación, a practice that had evolved into law in response to adaptations in slave systems throughout the Iberian colonies. The system of self-purchase "required the full-scale recognition of the slave's right to personal property and to the making of contracts," a recognition French administrators and colonials refused to make. 136

Coartación offered advantages to slaveholders, slaves, and the Spanish government, and all three groups acted according to their interests. The crown benefitted from a growing free population of color that tended to accept its middle status in a three-caste society, aspired to attain the privileges of white colonials, and supplied the colony with skilled laborers and militia forces. Coartación provided slaveowners with incentives that encouraged slaves to work more productively, reduced their provisioning costs, and compensated them at the slaves' estimated fair value. Legal manumission also acted as an effective form of social control by offering liberty to obedient bondspersons and denying it to rebellious ones. In turn, the system facilitated slave efforts to acquire the necessary cash or goods with which to purchase their freedom independent of master's will. 137 Like Africans in Rio de Janeiro, New Orleans blacks "took advantage of the numerous opportunities of a dynamic urban economy to acquire the price of a letter of liberty," often "overcoming all the trauma of enslavement, disease, and suffering to secure freedom for themselves and those they loved."138

Although freed and free persons of color consistently experienced exploitation and prejudice in a hierarchical society such as prevailed in New Orleans, the continuous, intensifying, and expensive struggles undertaken by many slaves to attain freedom attested to their appreciation of

liberty as something desirable. A few cases discussed above and undoubtedly some others not yet identified indicate that not all slaves aspired to free status or viewed such status as advantageous. In an urban setting such as New Orleans slave artisans and traders, in particular, moved about, transacted business, and socialized much the same as free persons of color. Their ability to do so, however, could be taken away from them at any time at the whim of their owners: persons legally manumitted at least exercised a greater measure of control over their lives. As in Cuba and Brazil, free blacks in New Orleans grew in numbers and status during Iberian rule both in response to laws and cultural attitudes and to such material factors as demographics and economic activities. Antebellum Louisiana's large free population of color, unique in the United States South, traced its roots to the Spanish regime, when slaves could attain freedom with greater ease than at any other time, 139

Notes

¹Klein, <u>African Slavery</u>, pp. 217-41; Tannenbaum, <u>Slave and Citizen</u>.

²Harris, <u>Patterns of Race in the Americas</u>.

³These include: Fiehrer, "African Presence," pp. 23-24; Foner, "Free People of Color in Louisiana and St. Dominigue," 406-30; Karasch, Slave Life in Rio; Stuart B. Schwartz, "The Manumission of Slaves in Colonial Brazil: Bahia, 1684-1745," <u>Hispanic American Historical Review</u> 54:4 (November 1974): 603-35. Karasch argues that "most slaves owed their manumission to their own efforts or those of

individual owners," rather than to institutions such as the church or legal system (p. 336). Foner contends that striking differences in the initial growth and position of free people of color in various regions resulted from both demographic and cultural/idealogical factors.

⁴Quote from Hans W. Baade, "The Law of Slavery in Spanish Luisiana, 1769-1803," in <u>Louisiana's Legal Heritage</u>, edited by Edward F. Haas (Pensacola: Perdido Bay Press for the Louisiana State Musuem, 1983), pp. 47-48. Foner was the first to note a significant relationship between self-purchase and growth of the free population of color in New Orleans.

⁵This work also does not examine Amerindian slavery in Louisiana and New Orleans. Even though Governor O'Reilly acted on instructions from the Spanish crown and outlawed Amerindian slavery in Louisiana in 1769, colonists continued to enslave indigenes. In the 1790s Governor Carondelet rigorously enforced the law against such enslavement, and a number of persons of Native American descent, including individuals with some African ancestry, appealed for their freedom in front of government tribunals. See Stephen Webre, "The Problem of Indian Slavery in Spanish Louisiana, 1769-1803," LH 25:2 (Spring 1984): 117-35.

⁶Antonio Acosta Rodríguez, <u>La población de Luisiana española (1763-1803)</u> (Madrid: Ministerio de Asuntos Exteriores, 1979), pp. 17-226.

⁷Quote from Fiehrer, "African Presence," p. 18. Brasseaux, <u>Denis-Nicolas Foucault</u>; Foner, "Free People of Color," pp. 415-16, 418-19. A "tenuous allegiance of the dominantly French planters to the Spanish regime" posed perennial challenges to Spanish administrators in Louisiana. An analysis of the correspondence of Governor Carondelet, who served during the era of the French revolution, particularly highlights this dilemma (see Fiehrer, "African Presence," pp. 16, 25).

⁸Gilbert C. Din, "Proposals and Plans for Colonization in Spanish Louisiana," LH, 11:3 (Summer 1970): 197-213.

9"Liste de la quantité des naigres libre de la Nouvelle Orléans, 1770," AGI PC 188-A, 22 February 1770.

10Klein, African Slavery, pp. 217-41.

¹¹Code Noir, applied to Louisiana 23 March 1724, French Judicial Records, Louisiana State Museum Historical Center; Klein, <u>African Slavery</u>, p. 195. Although Klein and other scholars of comparative slave societies note the harshness of the code noir, most Louisiana historiography claims that it was mild (see Baade's discussion of Louisiana scholarship in "Law of Slavery," pp. 43-53). The code noir most certainly was more humane than British or Dutch slave law, but much more restrictive and favorable to the slaveewher than were Iberian codes.

¹²Baade, "Law of Slavery," pp. 48-53; Gwendolyn Midlo Hall, "Saint Domingue," in <u>Neither Slave nor Free</u>, pp. 172-92.

¹³Derek Noel Kerr, "Petty Felony, Slave Defiance and Frontier Villainy: Crime and Criminal Justice in Spanish Louisiana, 1770-1803" (Ph.D. dissertation, Tulane University, 1983), p. 152.

14For example, see Court Proceedings of F. Broutin, no. 11, f. 74-100, 17 March 1792. Traditional and even some recent works claim that Spanish administrators continued application of the French code noir after assuming control of Louisiana. Gilbert C. Din ("Cimarrones and the San Malo Band in Spanish Louisiana," LH, 21:3 (Summer 1980): 237-62) asserts that the Code of O'Reilly incorporated the code noir with only a few alterations, an interpretation initiated by Judge François-Xavier Martin's History of Louisiana in the early nineteenth century (2 vols., New Orleans: Lyman & Beardslee, 1827). A more thorough examination of primary sources, however, definitively shows that "such a radical 'Francophile' view of the legal history of the Spanish Luisiana cannot, however, still be maintained today" and that "the judicial authorities of Spanish Luisiana routinely applied Spanish rather than French law between 1770 and 1803" (Baade, "Law of Slavery," p. 43). My own research in notarial and judicial documents confirms Baade's findings. The slaves and their representatives repeatedly stated their recognition of a change in slave law and those laws that governed freedmen (see note 32 below).

¹⁵Din, "San Malo Band," pp. 237-62; Hall, <u>Africans in the Formation of American Culture</u>; Jack D. L. Holmes, "The Abortive Slave Revolt at Pointe Coupée, Louisiana, 1795," <u>LH</u>, 11:4 (Fall 1970), 341-62; Kerr, "Petty Felony."

¹⁶Lachance, "Politics of Fear," pp. 162-97. The works listed in note 15 also discuss this subject of runaways and conspiracies.

 $^{17} \mbox{Compare percentages for New Orleans with those for Rio in the early nineteenth century:$

Type of Manumission	Rio de Janeiro (1807-1831) <u>Percent (N=904)</u>	New Orleans (1771-1803) Percent (N=988)		
Unconditional				
(intervivos)	20.1	33.4		
Deathbed (will)	11.7	15.0		
Conditional	21.6	3.3		
Self-Purchase*	25.6	23.4		
Third-Party Purchase	7.7	24.8		
Purchaser Unknown	6.1			
Others	7.2			
TOTAL	100.0	99.9+		

^{*} includes slaves going before a tribunal

Sources: Karasch, <u>Slave Life in Rio</u>, p. 353; Notarial Records.

18 Analysis of cases from a sampling of three years in each decade does not permit an exact calculation of what proportion of the growth rate among free blacks was attributable to manumission (as opposed to immigration and reproduction). After I have gathered data from all the notarial records, this analysis will be feasible.

19There most likely were many more contested manumissions than those that are evident in the notarial acts. Some slaves brought masters before the tribunal but the records do not specifically indicate so. In addition, many parties brought contested cases before judges; such cases form part of the Spanish Judicial Records and will be incorporated in further analysis.

20Code noir; Baade, "Law of Slavery," pp. 48-50; Klein, African Slavery, pp. 222-29.

21Both white and free black masters and their slaves recognized differences between French and Spanish law and attitudes. When Don Francisco Raquet purchased the parda Francisca from Mr. Leches in September 1769, he promised her freedom after six years of service. The sale and promise were made by an informal note (papel simple) according to the ancient customs of the colony. In 1772 Raquet recorded the promise of freedom before a notary. He stated that under the previous rule slaves were considered movable property or chattel (bienes muebles) and there was no need to have a notary record transactions dealing with slaves.

⁺ rounding error

Raquet wanted to register a formal document with the authorities of the new dominion (Acts of Almonester v Roxas. f. 35, 11 February 1772). The free morena Angela Perret also noted a change in the status of slaves. The ancient custom of treating slaves as chattel no longer prevailed. and now even free persons of color could manumit their slaves without seeking special permission from the government. She thus sought a formal recording of the freedom she bestowed upon her daughter and two grandchildren (Acts of Almonester v Roxas, f. 165, 4 May 1772). slave, the moreno Juan Bely, referred to his right to petition the tribunal for liberty against the wishes of a reluctant slaveholder. Bely asserted that he had continually requested the widow and testamentary executor of his late master (Don David Ross) to issue him a carta at the price of his estimated worth. For this reason he exercised rights conceded him by the Spanish crown according to royal decree in order to name an estimator ("En cuya virtud usando del derecho que S.M. por Real Cedula me concede, nombro por mi tasador Don Fernando Alzar"). The court appointed Don Josef de Toca as Bely's defensor, and Ross' estate named its estimator. Unfortunately, the record ended at this point (Court Proceedings of N. Broutin, no. 60, f. 1495-1501, 14 September 1803).

 $^{22} \mbox{McGowan, "Creation of a Slave Society," pp. 201-5; Mörner, Race Mixture, pp. 116-18.$

²³McGowan, "Creation of a Slave Society," p. 202.

²⁴Cohen and Greene, "Introduction," pp. 7-8; Klein, African Slavery, p. 228. New Orleans during the colonial period was in what Cohen and Greene describe as "the early phase of the emergence of the free colored (the first several generations)" in that free black females overwhelmingly outnumbered free black males. During this phase "the free colored groups throughout the hemisphere included disproportionately large numbers of females, not only as a result of the manumission of female partners in mixed marriages or sexual unions, but also as a result of the general tendency to manumit female infants in greater numbers than males." They note two factors that tended to even the sex ratio: self-purchase, which favored males, and government offers of freedom for meritorious non-white male soldiers. In New Orleans, however, self-purchase favored females, and the government freed few deserving males. However, male slaveholders or an interested third party often did manumit or purchase the freedom of adult and adolescent female slaves, in particular manumitting gratis pardo and cuarterón slave children, presumably their own offspring (see Table 2-4).

25Refer to discussion in note 24. Klein generalizes for Latin America that "among those who purchased their freedom there was an even distribution of women and men" (African Slavery, p. 228), but in Spanish New Orleans female self-purchasers greatly exceeded males. In addition to various explanations for the preponderance of females in the free black population offered in above pages, another factor might be that the lucrative tasks of street and shop vendor, seamstress, and cook were usually performed by female slaves. While these occupations offered opportunities to accumulate funds even after paying the master a stipulated sum, talents associatiated with them usually did not raise the slave's value, unlike artisan skills. Also, the more populous free black females often left their possessions to other females, slave and free, when they died.

²⁶Due to the failure of many emancipation records to indicate the phenotype of slave children manumitted along with their mothers (for whom skin color was usually provided), the number of pardos in the sample most likely is artificially low.

27The number of cases in some years and types were too small to provide a plausible reading. Thus, the mean age figures for all the years combined are probably more reliable. For example, for those types of manumission that had more than five cases in any given set of years (this excludes conditional manumission), the average age of slaves was highest in the 1780s. Among inter vivos, will, and third-party purchase types, slaves manumitted were youngest in the 1770s.

 $$^{28}\mathrm{Chapter}$ 5 of this work discusses in greater detail slave values as they varied by time and gender.

²⁹Acts of Almonester y Roxas, f. 58, 62, 13 March 1773; Acts of Garic, no. 4, f. 243, 3 September 1774 and f. 245, 4 September 1774.

³⁰Acts of Pedesclaux, no. 12, f. 269, 29 March 1791.

31Acts of Almonester y Roxas, f. 188, 31 July 1773; Acts of Garic, no. 6, f. 240, 7 October 1775; "Censo de Nueva Orleans," June 1778, AGI PC 191; Acts of Pedesclaux, no. 41, f. 445, 16 June 1802 and no. 42, f. 923, 20 December 1802. According to Marion's 1802 testament, the three children by Bauptista were Isabela (about forty-eight years), Roseta (about forty-six), and Elena (about forty-four). Five surviving children by Gaillard were Constancia (married to Carlos Brulé, pardo libre), Adelaida (about thirty-six), Helena (about thirty-four), Raymundo (about thirty-two, militiaman), and Basilio (about twenty-eight).

³²Acts of Almonester y Roxas, f. 291, 10 November 1772; Acts of Garic, no. 3, f. 366, 5 December 1772; "Censo de Nueva Orleans," June 1778, AGI PC 191.

33 Everett, "Free Persons of Color," p. 46.

34Acts of Rodríguez, no. 7(1), f. 362, 22 April 1783; Acts of F. Broutin, no. 30, f. 143, 14 June 1794. In his will of this last date, Don Joseph Dusuau de la Crois recognized his six natural children by three free women of color. One of these children was Luis Dusuau, cuarterón libre, son of Jaquelina Lemelle, a deceased parda libre. Another case -- just one of many -- of a leading white inhabitant freeing his slave consort and their mixed blood offspring involved Don Bartolomé Toutant Beauregard, a merchant and ancestor of the famous Civil War general, P. G. T. Beauregard. In 1791 Don Bartolomé manumitted graciosamente the following slaves: the parda Margarita Henriqueta (nineteen years) and her cuarterona daughter, age sixteen days, unbaptized and thus unnamed; the parda María Francisca (eighteen years, two months); and the parda Emilia (twelve years). They were the daughters of Don Bartolomé's former slave, the morena libre Margarita, whom he had freed gratis in 1779. His will dated 27 February 1792 designated Margarita Toutant and her four children his only and universal heirs (Acts of Almonester y Roxas, f. 253, 3 May 1779; Acts of F. Broutin, no. 7, f. 351, 15 October 1791 and no. 15, f. 39, 27 February 1792).

 $$^{35}\mathrm{Acts}$ of Pedesclaux, no. 18, f. 666, 16 August 1793 and f. 747, 18 September 1793.

36Acts of Almonester y Roxas, f. 131, 6 March 1782; Acts of Pedesclaux, no. 16, f. 25, 14 January 1793 and f. 77, 31 January 1793.

 $$^{37}\mbox{Acts}$ of Almonester y Roxas, f. 95, 26 February 1781.

³⁸Acts of Almonester y Roxas, f. 49, 26 January 1776.

³⁹Acts of Garic, no. 3, f. 339, 20 November 1772.

⁴⁰Acts of Garic, no. 10, f. 306, 7 June 1779.

 $$^{41}\mbox{Acts}$ of Pedesclaux, no. 38, f. 118, 19 February 1801.

⁴²Acts of Mazange, no. 3, f. 89, 9 November 1781. Broutin freed Carlota for services, especially "dando el pecho a mis dos ultimos hijos pupilos." Both Francisco in the 1790s and his son Narciso in the 1800s served as notaries for the Spanish government.

 43 Acts of Pedesclaux, no. 13, f. 681, 2 November 1791 and no. 43, f. 283, 30 March 1803.

⁴⁴Acts of Pedesclaux, no. 19, f. 904, 30 October 1793; Acts of N. Broutin, no. 5, f. 238, 13 May 1803.

 $^{\rm 45} \rm Acts$ of Ximénez, no. 1, f. 497, 501, 25 November 1791.

 $^{46}{\rm For}$ further discussion of free black ownership of slaves, both as property and kin, in Spanish New Orleans, see Chapter 5 of this dissertation.

⁴⁷Acts of Ximénez, no. 5, f. 649, 7 November 1793.

⁴⁸See for example Acts of Mazange, no. 5, f. 109, 30 January 1782; Acts of Almonester y Roxas, f. 97, 15 February 1782; Acts of Rodríguez, no. 7(2), f. 836, 20 September 1783 and f. 1037, 12 December 1783; Acts of Pedesclaux, no. 16, f. 23, 14 January 1793. Of particular interest is a case in which two free pardo siblings and their natural white father, José, manumitted their morena mother and consort named María, whom they had inherited from Jorge Beaulieu, grandfather of the pardos and father of José. A few months later the two pardos, plus three other pardo siblings, manumitted their two grifo half-siblings, whose mother was also María and whom they had also inherited from Jorge Beaulieu (Acts of Pedesclaux, no. 42, f. 915, 13 December 1802 and no. 43, f. 61, 27 January 1803).

⁴⁹Acts of Pedesclaux, no. 43, f. 221, 21 March 1803. Examples of free people of color freeing slaves after the money borrowed to purchase them had been repaid included a free woman of color who manumitted her mother after seven months and a free parda who liberated her sister after one year (Acts of Mazange, no. 3, f. 115, 17 February 1781; Acts of Ximénez, no. 1, f. 438, 30 September 1791).

 $^{50}\mbox{Acts}$ of Almonester y Roxas, f. 422, 5 September 1777.

⁵¹Acts of Garic, no. 6, f. 274, 22 November 1775.

52For cases from the sample years there were fiftyfour manumitted slaves age fifty and older in Category One compared to forty-seven in Category Two (refer to Table 2-4). Recent scholarship questions the conventional view that slaveholders discarded many of their elderly, incapcitated slaves. Klein points out that "although it was initially thought that the more economically minded Iberians were simply freeing their old and infirm slaves, this was not the case. . . All recent studies have found that approximately two-thirds of the manumitted were women (from 60 to 67%), and few were found to be 45 years of age or older "(African Slavery, p. 227). For example, Schwartz ("Manumission of Slaves in Colonial Brazil") analyzed a sample of almost 7,000 manumission cases and concluded that the average age of those manumitted was a mere fifteen years of age. Data for New Orleans supports these findings. Of course, not many slaves lived past forty-five years of age, but then neither did many whites or free persons of color.

53For example, in her will dated 3 September 1781 Doña Pelagia Loireins, widow Brasilier and now wife of Don Andrés Jung, granted cartas to eight of her twenty-four slaves. She died three days later. Doña Magdalena Brasilier, however, wrote her will in 1793 but did not die until 1801. Three of her slaves waited eight years for their promised freedom (Acts of Mazange, no. 4, f. 691, 3 September 1781; Acts of N. Broutin, no. 3, f. 294, 298, 2 October 1801).

 $^{54}\mbox{Acts}$ of Garic, no. 2, f. 320, 13 November 1771.

⁵⁵Acts of Garic, no. 3, f. 5, 10 January 1772.

 $^{56}\mbox{Acts}$ of F. Broutin, no. 7, f. 1, 23 August 1790.

⁵⁷Acts of Garic, no. 2, f. 182, 5 June 1771.

 $^{58}\mbox{Acts}$ of N. Broutin, no. 4, f. 203, 5 May 1802 and f. 206, 6 May 1802.

⁵⁹Acts of N. Broutin, no. 4, f. 463, 6 November 1802.

⁶⁰Acts of Mazange, no. 6, f. 890, 29 October 1782.

⁶¹Acts of Garic, no. 2, f. 174, 27 May 1771.

62Acts of Mazange, no. 7(1), f. 188, 26 February 1783.

⁶³Acts of Garic, no. 8, f. 338, 15 September 1777.

⁶⁴Acts of Garic, no. 8, f. 106, 11 March 1777.

⁶⁵Acts of Almonester y Roxas, f. 434, 11 June 1776. Another interesting case combined manumission by will and self-purchase. In 1782 Juan Bautista Roux donated 100 pesos to his morena slave Catarina in his will. Roux also stipulated that at his death his executor was to allow

Catarina to purchase her freedom for 500 pesos (Acts of Almonester y Roxas, f. 177, 1 April 1782).

⁶⁶Acts of Almonester y Roxas, f. 462, 27 August 1779.

67Acts of Mazange, no. 6, f. 833, 3 October 1782.

68"Successión intestado de una Negra libre llamada Marton o Marta," SJR, 17 January 1774; Acts of Garic, no. 6, f. 257, 20 October 1775. Simple conditional manumissions included that of Eugenio, an eight-year-old pardito, freed with the condition that he serve his mistress' friend for the rest of her lifetime. Don Luis de Berducat, captain of the Louisiana fixed infantry regiment, manumitted his moren slave Martón on condition that she serve him for six more years (Acts of Mazange, no. 6, f. 830, 2 October 1782; Acts of Ximénez, no. 4, f. 26, 23 January 1793). In addition, Fray Bernabé of the Capuchin mission freed his twenty-five-year-old moreno slave and creole of New Orleans named Pedro, contingent upon the slave's service for the rest of Bernabé's life. Pedro was the son of the free morena Marta, who had died in 1774 and willed her belongings to Father Bernabé for the care of her son (sources stated at beginning of note).

⁶⁹Acts of Garic, no. 5, f. 245, 23 December 1774.

70Acts of Mazange, no. 6, f. 872, 18 October 1782; Acts of Rodríguez, no. 7(2), f. 791, 5 September 1783.

71Acts of Garic, no. 9, f. 176, 11 April 1778.

⁷²Acts of Garic, no. 8, f. 485, 15 December 1777 and no. 9, f. 583, 22 December 1778. For additional information on the Ursulines and their slave transactions see Karen Greene, "The Ursuline Mission in Colonial Louisiana" (M.A. thesis, Louisiana State University, 1982).

⁷³Acts of Garic, no. 4, f. 172, 14 May 1773.

⁷⁴Acts of Garic, no. 6, f. 109, 26 April 1775.

⁷⁵Acts of Garic, no. 6, f. 86, 3 April 1775.

⁷⁶Acts of N. Broutin, no. 3, f. 239, 7 August 1801.

 $^{77} \rm Acts$ of Almonester y Roxas, f. 312, 16 July 1778 and f. 313, 17 July 1778. This case also indicated that persons of Amerindian ancestry (a mestiza) were still being held as slaves in Louisiana.

 $^{78} \rm{Acts}$ of Almonester y Roxas, f. 96, 9 March 1772; f. 199, 10 May 1772; and f. 267, 25 October 1773.

 $$^{79}{\rm Acts}$ of N. Broutin, no. 4, f. 497, 498, 4 December 1802.

⁸⁰Karasch, for example, found that in Rio ex-slaves who "had antagonized former owners and had been thrust into their new lives without patron or profession" faced a bleak struggle just to survive. Indeed, "since so many freedpersons were women, many continued to work as servants for their previous owners and so maintained old patterns of dependency. . . By continuing dependent relationships with her former owner, a freedwoman seldom experienced a change in her living conditions and personal security, since her former owner would serve as her protector," not always an adverse situation. On the other hand, "for slaves who had been given their freedom gratuitously and turned out of their owner's house, life was quite difficult," especially without kin or friends to lend support (Karasch, Slave Life in Rio, pp. 362-644).

81Quote from Knight, <u>Slave Society in Cuba</u>, p. 130, note 21. Also see Klein, <u>African Slavery</u>, pp. 194-95.

 $^{82}\mbox{Baade, "Law of Slavery"; McGowan, "Creation of a Slave Society," p. 194.$

83Baade, "Law of Slavery," pp. 52-53.

 $^{84}\mbox{Acts}$ of Pedesclaux, no. 40, f. 127, 23 February 1802.

⁸⁵Acts of F. Broutin, no. 7, f. 357, 3 November 1791.

⁸⁶Acts of F. Broutin, no. 7, f. 253, 24 May 1791.

87Acts of Pedesclaux, no. 42, f. 842, 15 November 1802.

 $$^{88}\mbox{Acts}$ of Pedesclaux, no. 45, f. 739, 6 September 1803.

⁸⁹Acts of Garic, no. 3, f. 365, 366, 5 December 1772.

90Acts of Almonester y Roxas, f. 251, 10 September 1772.

91Acts of Ximénez, no. 2, f. 229, 231, 5 May 1792 and f. 234, 235, 237, 7 May 1792. The slaveholder, Doña María Julia de la Brosse, legitimate wife of Don Francisco Carrière and childless, let several other slaves purchase their cartas at the same time. Two months later she wrote her will and donated to Magdalena, now a free morena, a fully outfitted bed and to Magdalena, her three daughters, and another former slave all the clothes of her use, divided equally five ways (Ximénez, no. 2, f. 331, 6 July 1792).

92Acts of Almonester y Roxas, f. 140, 10 March 1775.

93Acts of Garic, no. 8, f. 382, 20 October 1777.

94Acts of Almonester y Roxas, f. 282, 18 May 1779.

95Acts of N. Broutin, no. 5, f. 102, 11 March 1803.

 $$^{96}\mbox{Acts}$ of Mazange, no. 7(1), f. 218, 12 February 1783.

 $^{97} \text{Acts}$ of Almonester y Roxas, f. 23, 12 January 1781 and f. 41, 42, 27 January 1781.

 $^{98} \text{Acts}$ of Perdomo, f. 432, 433, 434, 29 November 1782.

⁹⁹Acts of Garic, no. 4, f. 88, 17 March 1773.

100 Karasch, Slave Life in Rio, pp. 211, 243.

 $^{101}\mbox{Acts}$ of Almonester y Roxas, f. 361, 23 June 1779.

102Acts of Pedesclaux, no. 38, f. 288, 7 May 1801. Another white who did not explicitly state his paternity but obviously was the slave's father was Don Juan Josef Calmona. He paid Don Juan Bautista Mercier 200 pesos to manumit Carolina, the eighteen-month-old cuarterona daughter of Mercier's parda slave Pognon (Acts of N. Broutin, no. 3, f. 338, 27 October 1801).

 $^{103}\mbox{Acts}$ of Pedesclaux, no. 45, f. 881, 14 November 1803 and f. 796, 1 October 1803.

104Acts of Pedesclaux, no. 39, f. 569, 20 October 1801. For other examples of third-party purchase of cartas for slave fetuses see Acts of Pedesclaux, no. 16, f. 23, 14 January 1793 and Acts of N. Broutin, no. 3, f. 23, 26 January 1801.

 $$^{105}\mbox{Acts}$ of Pedesclaux, no. 16, f. 79, 31 January 1793.

 $^{106}\mbox{Acts}$ of Garic, no. 9, f. 595, 597, 29 December 1778.

 $^{107}{\rm Acts}$ of Perdomo, f. 279, 4 June 1782 and f. 362, 16 September 1782. The average value of slaves age 0-9 manumitted through purchase for sample years 1781-1783 was 185 pesos. The amount Petit Baptista paid for his younger daughter was illegible in the document.

 $^{108} \rm{Acts}$ of Almonester y Roxas, f. 4, 5, 8 January 1775 and f. 17, 19, 10 January 1777.

 $^{109}\mbox{Acts}$ of Pedesclaux, no. 15, f. 487, 29 August 1792.

 $^{110}\mbox{Acts}$ of N. Broutin, no. 15, f. 353, 15 November 1792.

111Acts of N. Broutin, no. 4, f. 192, 27 April 1802.

112Acts of Garic, no. 10, f. 78, 1 February 1779.

 $^{113}\mbox{Acts}$ of Ximénez, no. 17, f. 3, 7 January 1801 and f. 197, 5 November 1801.

114Acts of Pedesclaux, no. 17, f. 312, 24 April 1793.

115Acts of Ximénez, no. 17, f. 348, 2 June 1802. The document referred to the boy Andrés Manuel as a "mulático ó chino" (halfbreed). Most offspring of a pardo and a morena were termed grifos.

¹¹⁶Acts of N. Broutin, no. 3, f. 146, 4 May 1801.

117Acts of Garic, no. 7, f. 17, 25 January 1776;
Acts of Mazange, in Acts of Garic, no. 12, f. 531, 24
November 1779 and f. 534, 25 November 1779; "Autos fechos
por fin y muerte de Juan Bautista Hugon, Pardo libre," SJR,
8 August 1792.

 $$^{118}"\mbox{Ultimo}$$ testamento de Margarita, Parda libre," SJR, 1 March 1770.

 $$^{119}\mbox{Acts}$ of Almonester y Roxas, f. 466, 30 August 1779.

120Acts of Pedesclaux, no. 12, f. 47, 21 January
1791; no. 17, f. 474, 14 June 1793; and no. 18, f. 562, 9
July 1793.

121For use of this phrase in a disputed case see Court Proceedings of F. Broutin, no. 16, f. 446-70, 16 February 1793.

 $^{122}\mbox{"Autos}$ fechos por Catalina, Parda esclaba, por su libertad, " SJR, 25 June 1773.

 $$^{123}\mbox{Acts}$ of Almonester y Roxas, f. 287, 6 November 1773.

124Acts of Pedesclaux, no. 18, f. 629, 2 August 1793. Some valuations were so high that the slave never did purchase his or her freedom. One such slave was María. In 1803 the moreno libre Juan Pedro appeared before the court to demand the carta of his daughter, a twelve-year-old morena slave of Doña Isabel Proffit. When both appraisors valued María at 700 pesos, Juan Pedro protested that she was not worth more than 350 pesos, 700 pesos was an enormous sum, and he could not pay it. Thus, the court denied María her carta and made Juan Pedro pay 17 pesos in court costs (Court Proceedings of N. Broutin, no. 58, f. 781-90, 27 May 1803).

¹²⁵Acts of Pedesclaux, no. 15, f. 375, 26 June 1792.

 $^{126}\mbox{Court Proceedings of F. Broutin, no. 6, f. 105-15, 29 January 1791.$

 $$^{127}{\rm Acts}$ of Almonester y Roxas, f. 586, 21 August, 1776.

128Acts of Almonester y Roxas, f. 264, 14 July 1781.

 $^{129} \rm Acts$ of Mazange, in Acts of Garic, no. 12, f. 553, 9 December 1779 and f. 583, 591, 18 December 1779.

¹³⁰Acts of N. Broutin, no. 3, f. 126, 15 April 1801.

131Acts of Ximénez, no. 2, f. 213, 25 April 1792. In all fairness, one must also acknowledge the few cases in which women bypassed slave mothers in favor of freeing their children. In 1779 the morena libre Angélica petitioned a tribunal for the freedom of her four-year-old granddaughter María Antonia, the cuarterona slave of Don Santiago Porta. Angélica had petitioned for and won her own carta eight years earlier. Her daughter Francisca, mother of María Antonia, remained a slave of Porta ("Autos fechos por fin y muerte de Doña María Bienvenue," SJR, 23 September 1771; "Autos fechos por Angélica, Negra libre, por la libertad de María Antonia, Cuarterona esclaba de Don Santiago Porta, por precio de su estimación," SJR, 29 July 1779; Acts of Almonester y Roxas, f. 431, 5 August 1779)

 $$^{132}\mathrm{Acts}$ of Almonester y Roxas, f. 33, 16 January 1779.

¹³³Acts of Almonester y Roxas, f. 36, 26 January 1781. Most likely, Margarita was Brunetos' daughter, too.

 $\rm ^{134}Acts$ of Almonester y Roxas, f. 362, 18 September 1781.

135Acts of Almonester y Roxas, f. 151, 11 April 1781.

136Klein, African Slavery, pp. 194-95.

137Karasch, <u>Slave Life in Rio</u>, pp. 335-70; Klein, <u>African Slavery</u>, pp. 217-41.

138 Karasch, Slave Life in Rio, pp. 336-37.

139 Baade, "Law of Slavery," p. 47; Karasch, Slave Life in Rio, pp. 335-70; Klein, African Slavery, pp. 217-41.

CHAPTER 3 FREE BLACKS AT WORK

This chapter concentrates on the occupational activities of free men and women of color in Spanish New Orleans, while at the same time placing them within the context of the larger society. It looks at the ways free blacks toiled at daily tasks in order to survive and sometimes flourish. With few exceptions, persons of all colors and classes worked and played together, by choice and necessity. As one scholar points out, "however zealous [Louisiana] society was to maintain the European conventions and barriers, mutual interdependence tended to weaken class differences." White New Orleanians depended on free people of color to provide transportation, provisions, skilled labor, and a variety of services.

Especially during the rapid economic growth of the late eighteenth and early nineteenth centuries, opportunities for free labor burgeoned. At the same time, demographic increase within the free black population outstripped that of whites (Table 2-2). As noted in Chapter 2, over the four decades of Spanish rule in Louisiana, rising numbers of non-whites hired themselves out, purchased their cartas de libertad, and continued to practice their trades as free

persons. Excepting the United States, in all American slave societies, including Louisiana, "the free coloureds helped supply the need for a middle stratum between the slaves and the white proprietary/professional class."²

This study also discounts the contemporary view of travelers and residents popular throughout the Americas that free persons of color were by nature incompetent, "idle, debauched, drunken, liars, ridiculously vain, insolent, and cowardly." Contemporaries further denounced free black women, who in New Orleans and other urban centers outnumbered their male counterparts two to one, as lascivious, coarse, and lavish. On the contrary, free persons of color astutely availed themselves of legal, demographic, economic, and political conditions in Spanish New Orleans to attain economic stability -- even prosperity -- and concurrently advance their social standing.

Occupations Pursued by Free People of Color

Like free blacks in other American urban areas, those in New Orleans labored at middle and lower sector tasks in which they sometimes competed with lower-class whites and slaves but offered little threat to prominent whites. Policy and practice excluded them from the professions, clergy, and government positions, and relegated most of them to manual or skilled labor. Throughout the colonies competition and hostility flared between unpropertied whites

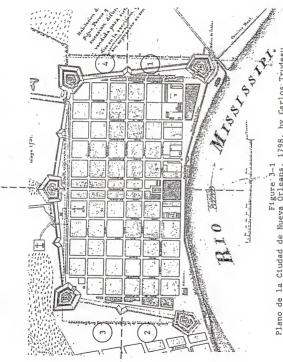
and free people of color, most frequently manifested in attempts to limit free black participation in certain trades. Although craft guilds developed in some parts of the Americas, a general lack of trade restrictions characterized colonial New Orleans.⁴ In the city demand for labor consistently surpassed supply, a situation that reduced competition and augmented opportunities for non-whites to acquire skills.

The work free blacks did reinforced their ambivalent position in the community. New Orleans "society consisted of a small and exclusive aristocracy of higher officials, successful merchants, and prosperous planters" and "a larger middle-class grading from petty officials and small tradesmen and planters to a group which tended to merge itself with the free people of color, while these, in turn, drifted farther away from the ever increasing slave group without, however, becoming a recognized part of the other white castes."5 Persistent dependency and even downward mobility plaqued newly freed blacks, who often expended all their resources to gain liberty and then had to toil at the same tasks they had undertaken as slaves. On the other hand, blacks manumitted long ago or born free frequently attained economic independence as farmers, slaveowners, traders, and businesspersons. Economically successful free persons of color usually endeavored to distance themselves from their slave past and identify with values espoused by

hegemonic whites.⁶ In a frontier, peripheral society such as New Orleans, however, racial and economic groups relied on each other for peace and prosperity.

As noted before, censuses for the period were often incomplete and under counted the free black population as well as its contributions, but nevertheless returns offer valuable information on a broad spectrum of occupational pursuits. In 1791 and 1795 officials in New Orleans compiled information on each household head, including his or her name, occupation, age category, and race. In addition, they indicated the number (but not the names or occupations) of persons residing in each household by age group, gender, race, and status. 7 Census takers in 1791 went steet by street, whereas in 1795 they went district by district (Figure 3-1), thereby allowing slightly different perspectives. Unfortunately, for female and free black heads of household the 1791 returns provided little or no information on occupation. While the 1795 census did not so severely slight women and non-whites, returns for the fourth quarter of the city, which had the second highest percentage of free black residents (refer to Table 5-1), are nonexistent. Officials primarily concentrated on gathering data for white males, a shortcoming common to many colonial censuses.8

Nevertheless, the 1791 and 1795 censuses furnish partial glimpses of the tasks at which free persons of color



Plano de la Cludad de Nueva Örleans, 1798, by Carlos Trudeau Courtesy Louisiana State Museum

toiled. Appendix A details data on occupation for all heads of household, white and free black, for both years. Each task fits into either the public, service, manufacturing, or commerce sector. A summation of numbers and percentages by sector is given in Table 3-1 below. Percentages for 1795 probably more closely approached reality because census

Table 3-1 Occupation by Sector and Phenotype, New Orleans, 1791 and 1795

1791								1795		
Sector	Whites	FPC	Total	* 	Whites	FPC	Total	8		
Public	119	0	119	24.2	93	1	94	15.4		
Service	164	5	169	34.3	175	83	258	42.2		
Manufac- turing	83	15	98	19.9	64	46	110	18.0		
Commerce	106	0	106	21.5	121	29	150	24.5		
TOTAL	472	20	492	99.9	453	159	612	100.1		

Sources: 1791 Census and 1795 Census.

takers were more diligent in recording occupations for female and free black heads of household. In 1791 a preponderance of data for whites and lack of it for free persons of color distorted percentages in the public sector (too high) and service sector (too low).

Table 3-2 disaggregates data on the type of occupation by gender and age group solely for free black heads of

Table 3-2 Occupations of Free Black Heads of Household by Gender and Age,* New Orleans,+ 1795

	F	emales	1	Males		
Occupation	14-49	50+	NG	14-49	50+	NG
public sector						
military				1		
service sector						
midwife		1				
tailor				3		
seamstress	25	1	3			
baker	1					
pastry cook						1
butcher	1			1	1	1
blacksmith				1 2		
tavernkeeper	1		1			
laundress	25	4	3			
hunter				4	2	
manufacturing secto	r					
cooper				2		
joiner				2 5		
carpenter				17	4	1
mason				1		
shoemaker				9		1
silversmith				9 2 1		
gunsmith				1		
mattressmaker	1					
commerce sector						
wholesaler				1		
shopkeeper	11			_		
retail dealer	9	5	3			
miscellaneous	-	_	_			
farmer	1			1		
TOTAL	75	11	10	50	7	4

^{*} No free black heads of household in Age Category One (0-13).

NG Not Given

Source: 1795 Census.

⁺ Returns for the fourth quarter missing.

household in 1795. Especially numerous were free black carpenters, shoemakers, seamstresses, laundresses, and retailers. 10 Scanty data from the 1791 census of New Orleans further indicate the frequency of certain occupations among free black male household heads: seven carpenters, five shoemakers, three tailors, one blacksmith, one hunter, one cooper, one wigmaker, and one gunsmith. A 1798 census of household heads in the suburb of St. Mary recorded three male wood dealers, two male carpenters, one male carter, one male gardener, two female settlers, one female taverkeeper, and one female washer, out of a total free black population of ninety-six. 11

Most likely, free blacks pursued those trades in which (1) they had been trained as slaves, (2) there was less competition from white workers, and/or (3) demand exceeded supply. Although few written regulations restricted access to jobs by race, custom and practice all too frequently relegated free persons of color to positions with low prestige, responsibility, and pay. One contemporary observer commented upon the lucrative trades of baker and butcher, trades in which there appeared to have been few free blacks (see Appendix A). He also noted that among tailors the "competition of colored men practicing this trade does not noticeably cut down the profit of Europeans, who are assumed to be better acquainted with fashions." 12
For colonial Rio de Janeiro Karasch found that when demand

for tailoring was low, Europeans monopolized the craft, but as demand rose, so too did opportunities for Africans. To meet the cry for services, tailors trained their slaves to fit and fashion clothes; these slaves in turn purchased their freedom and pursued tailoring as freedmen. When given the chance in New Orleans and elsewhere, free persons of color dodged menial manual tasks associated with slavery and aspired to managerial or skilled work.

As in most colonial societies, gender, as well as race. in large part defined occupation. 14 With few exceptions. free black females and males in New Orleans performed separate tasks, a practice reinforced by both African and European traditions. Men functioned as artisans and laborers, whereas women commanded retail activity, running small commercial establishments, such as shops and stalls, and peddling their wares on the streets. Women also solely assumed the apparently gender specific tasks of seamstress and laundress; male tailors supplied and repaired men's clothing. Interestingly, tavernkeepers among the white population were most commonly males, whereas among free blacks they were females. Among tavernkeepers licensed by the city in 1787 there were sixty-three white males, two white females, two free black males, and six free black females. These figures probably concealed male-female partnerships in which the man obtained the license but operated the business jointly with his female consort. For

example, upon being imprisoned for debt, the free moreno Francisco Barba begged the court for leniency; he and his wife ran a tavern and boarded soldiers of the Mexican fixed regiment, and his wife faced difficulties managing the service by herself. 15

Material from notarial registers and court cases, like the example above, adds color in the census' sketch. One visitor to New Orleans, C. C. Robin, remarked that "almost all . . . have callings" and that the variety was astounding. He further observed that "in the New World, the cities still have few of those useless families who boast of the crime of doing nothing." Constant labor shortages kept all hands busy and reduced competition. In New Orleans free morenos and pardos pursued numerous trades. Dispelling the myth of the lazy, idle free person of color was the traveler Berguin Duvallon's observation that

A great number [of free blacks], men, women, and children, crowded together in the city, are busied some in the mechanical arts, for which they have great aptitude and little attachment, or in some little retail trade, and the others in the chase, the produce of which they bring into the city where they sell it.¹⁷

One of the most famous free persons of color to emerge from the Spanish period was Santiago Derom (James Durham), the former slave of the Scottish doctor Roberto Dow and himself a skilled <u>médico</u>. Born in Philadelphia in 1762, Derom acquired his medical talents from one of his masters, Doctor John Kearsley, who was an authority on sore throat distempers. Doctor Dow of New Orleans subsequently

purchased Derom. Derom in turn purchased his freedom in 1783 for 500 pesos, and by 1788 the free moreno, "then 26 years of age, and speaking French, Spanish, and English fluently, had become the most distinguished physician in New Orleans, with a large practice among both races." Few physicians earned the designation "distinguished" in the eighteenth century, particularly a free black in a racially stratified society, but Derom did practice his craft with skill. These accomplishments, however, did not exempt him from financial difficulties, as a 1791 civil case shows. Derom successfully sued Doña Isabel Destrean to collect a debt of 100 pesos owed him from 1788, when he provided treatment and medicine to slaves on her plantation. An 1801 ruling from the cabildo limited Derom's practice to the treatment of throat ailments, his specialty. He was one of the few free black physicians in colonial Louisiana and the earliest known licensed African-American physician in what became the United States. 18

Free men of color often served as agricultural laborers, overseers, and managers; some even operated their own farms and plantations (habitaciones). One French planter from Saint-Domingue noted that "part of them [freedmen] who live in the country cultivate food products, especially rice, and some small fields of cotton." During a criminal court case neighbors attested to the fact that Joaquín, alias José Pueso, lived a hard life as an unskilled

agricultural laborer (peón) and treated his wife cruelly. In 1777 a white couple paid the free pardo Pedro 530 pesos for serving as an overseer on their plantation. 20 The document did not indicate how long Pedro worked to earn this amount; however, an annual salary of 530 pesos would have been quite substantial (see discussion of wages below). Henrique Francisco, pardo libre, herded forty head of livestock for Bautista Trenier on Isla Mon Luis. 21 Carlos. also a free pardo, operated a dairy farm belonging to Don Luis Allard, whose plantation now forms part of City Park in New Orleans. According to terms of the three-year contract Allard supplied a moreno slave to assist the free black, and Carlos earned one-fourth the newborn calves and half the milk produced. 22 In addition to owning a large plantation twelve leagues above New Orleans, the free pardo Simón Calpha commanded the free pardo and moreno militia and was awarded an annual pension of 240 pesos in 1782 for his heroic leadership in the campaigns of Baton Rouge, Mobile, and Pensacola.²³ A 1796 census of Metairie, situated just outside New Orleans, listed seven free black families who in total possessed thirty-four slaves and land measuring forty-two by forty arpents.24

The most common trades for free black males were those in the construction and shipbuilding industries.²⁵ They labored as skilled carpenters, joiners, masons, and caulkers. In 1791 Adelaida Raquet, cuarterona libre, paid

the free pardo carpenter, Pablo Mandeville, 903 pesos for building her a house fifty-five by nineteen feet with a gallery of four feet. The house probably replaced the one for which Raguet claimed a loss of 1500 pesos in the great fire of 1788. By 1801 Mandeville was forty-four years old and a first corporal in the first militia company of free pardos.²⁶ The last will and testament of Andrés Cheval, pardo libre and natural son of the morena libre Manon. stated that three white persons and one free black man owed him money for his work as a carpenter. Cheval owned a young slave whom he ordered exchanged for the freedom of his legitimate daughter by his slave wife. He also provided funds to purchase the freedom of his legitimate son, but not his wife. Apparently Cheval survived his illness; although the will was dated 1790, in 1801 at age forty-six he held the position of second corporal in the pardo militia.27

Another free black carpenter, more specifically a joiner, who served in the militia was Rafael Bernabé, in 1801 a forty-four-year-old first sergeant in the first moreno company. Freed graciosamente by the priest Pedro Bernabé in 1775, Rafael earned respect for his competency and loyalty. In 1797 Don Andrés Almonester y Roxas, the philanthropist who built the Saint Louis Cathedral, the Cabildo, and other landmarks in New Orleans, commissioned Bernabé to craft all the doors, windows, staircases, and other woodwork in the Casa de Cabildo. Almonester y Roxas

paid Bernabé 550 pesos up front, but the free moreno had to guarantee his work with the value of two houses he owned.²⁸ The work of Bernabé and other free black carpenters disproved the popular contemporary notion that the "carpentry of the colored people is always defective."²⁹

Wood for burning and building was an important commodity in colonial New Orleans, where wood vendors gathered in the Plaza de Armas to market their product. A 1798 census of Faubourg St. Marie listed three free black wood dealers living outside the walls of the city -- Gabriel Gerónimo, Agustín Mallet, and Pedro Bailly -- all of them officers in the militia. Amerindian women and free persons of color gathered wood from the forests and plantations surrounding New Orleans and then brought it to the city's central square. Inhabitants paid as much as four pesos per cord in order to heat their homes, cook their food, and operate their businesses. One would hope that these free black wood vendors did not form part of a group of free blacks and slaves that illegally cut timber and stole it from the forests of the city commons and individual planters' cypress groves along Bayou St. John. In 1794 anxious planters petitioned the cabildo to remedy what they perceived as increasingly frequent incidents of pilfering and destruction to fences, livestock, and slaves caused by runaway slaves, wood dealers, and hunters. 30 Several of the city's hunters were free people of color.

Free black women also pursued a variety of trades and business enterprises. Several operated small stores or peddled goods that they had made themselves or had purchased wholesale from another merchant or producer through the streets of the city and along roads leading into New Orleans. City treasurer Pedro Pizanie collected eighty-one pesos from "las negras y otros individuos que venden en la Conga del mercado" in 1787.31 Early in the nineteenth century the traveler Thomas Ashe remarked that "people of color, and free negroes, {along with Spaniards} also keep inferior shops, and sell goods and fruits."32 According to the 1795 census of New Orleans (Table 3-2), seventeen free black female household heads were revendeuses (second-hand dealers) and eleven were marchandes (shopkeepers). One retail dealer, the morena libre Margarita Trudeau, saved enough money to purchase the freedom of her forty-year-old son for 800 pesos from the widow Trudeau, also Margarita's former owner.33

In response to increasing numbers of retailers and complaints that street vendors posed unfair competition, the cabildo in 1784 resolved to construct a central, permanent market near the levee. Cabildo members in part created this marketplace in order to tax and regulate New Orleans' growing retail industry. Such an arrangement benefited the cabildo, who received rents from the stalls; the shopkeepers, who could reduce costs and competition because

their overhead expenses now more closely equalled those of stall renters; and the general public, who could purchase officially regulated products in a central location. Although the fire of 1788 consumed this marketplace, the cabildo authorized construction of a replacement in the mid-1790s.³⁴

Few free women of color elected or were allowed to rent stalls directly from the city council. Of the thirty-three persons licensed to vend goods from stalls on the levee in 1795, only two were free blacks, both males. The Apparently, however, holders of these licenses rarely actually sold items from these stalls, but rather subrented them to free women of color and slave women. Describing the market which adjoins the levée at the lower end of the Town, the New York merchant John Pintard wrote in 1801:

Market hours commense at 6 & are mostly over by 8_Very few people go to the market in person_All is brought by domestics_especially the females_who seem to be the chief buyers & sellers of the place_One meets with wenches with large flat baskets containing all kinds of goods with a measure in her hand traversing the streets & country in all directions_they are experts in selling_wait upon the ladies with their wares and are very honest & faithful to their employers_36

Judging from the account above and the following case, it appears that hawkers, most of them women, continued to roam city streets long after establishment of a marketplace. In 1797 Don Fernando Alsar and Co. together with fifty other mercaderes (shopkeepers, retail merchants) asked the town council to prohibit the activities of increasing numbers of

women -- slave as well as free black -- who daily sold merchandise on the streets and other parts of New Orleans and even on plantations in the countryside. Lamenting that such practices detracted from their livelihood, the suplicants appealed to the mercy of the cabildo: they had to pay exhorbitant rents for their shops and at the same time try to feed their families.³⁷

Several free women of color operated taverns and boarding houses, most of them located on streets lining the levee where sailors, soldiers, and travelers could gain ready access upon disembarking from their boats or leaving the barracks. Like other port cities in the Americas, New Orleans catered to the needs of a large transient population that kept the numerous tavernkeepers, innkeepers, and billiard hall owners in business. Colonial governments taxed and regulated these institutions that relieved the thirst of travelers and residents alike. Local authorities tried to protect the public from adulterated or sour alcohol, keep spirits out of the hands of Amerindians and Africans, and at the same time raise revenues from licensing fees. 38 As noted above, only six of the seventy-three persons licensed by the cabildo to operate a cabaret were free women of color, but like free black retailers, they probably ran taverns whose licenses were in another person's name.

According to the 1795 census, the morena libre Carlota
Derneville was one such tavernkeeper who also owned several
rental houses, despite losing 2,000 pesos worth of property
in the 1788 fire. Both as a slave and a free person Carlota
had labored diligently and saved her earnings. At age
thirty-seven she purchased her freedom from Don Pedro
Henrique Derneville for 400 pesos. Two years later in 1775
she agreed to serve Santiago Landreau without running away
as long as the court ordered, if he would free her
twenty-one-year-old son Carlos. Carlota was among those
persons who paid a thirty-peso licensing fee to operate a
cabaret for the year 1787 and a forty-peso fee in 1799.

Many New Orleans free women of color labored as seamstresses and, like their counterparts in Rio de Janeiro, "sewed dresses and made lace in the households and dressmaking establishments of the period." The free morena seamstress Prudencia Cheval, "de nación Pular," was given her freedom, along with that of her two pardo children, at age seventeen by Don Francisco Cheval. In his will dated three years later, Don Francisco designated Prudencia and her children his only and universal heirs. The inheritance included a two-story house on Calle de los Almacenes (modern-day Iberville Street), and Prudencia soon leased the top floor to Don Manuel de Justio y Calvo at the monthly rate of six pesos for the first eighteen months and eight pesos for the second eighteen months. Boarders and

renters often provided free blacks like Prudencia Cheval and Carlota Derneville with supplemental income. 41

Some free black women were qualified to perform several tasks. The cuarterona Magdalena brought her master Pedro María Cabaret de Trepi before the governor's tribunal in 1793 to obtain manumission at the price of her estimation. In determining her worth, de Trepi emphasized that she had mastered various domestic chores: cooking, sewing, washing, ironing, and candy and pastry making. Magdalena, on the other hand claimed that she was old, ill, had given birth to many children, and could not work much. Nevertheless, both appraisers valued her at 700 pesos, 200 of which she had to borrow to obtain her carta de libertad. 42 Upon the death of Don Santiago Constant, the parda libre Mariana San Juan sued his estate for 1344 pesos, equivalent to what she considered a less than just salary of eight pesos per month for fourteen years. During this time Mariana had served as Don Santiago's wife, cook, and laundress and had sold goods from his store throughout the streets of the city. In addition, she had taken care of, directed, and managed the personal business of Constant's houses as a faithful servant and his best confidant. The court awarded her remuneration of five pesos per month for three years, for a miserly total of 180 pesos.43

Competition and Hostility

In pursuing most jobs, free blacks competed with slave labor, as well as white, but because all types of workers were in short supply, few wanted for work. Whites from Europe, the United States, and the Caribbean islands did not begin pouring into Louisiana until the nineteenth century, and even though slaves always overwhelmingly outnumbered free persons of African descent, the majority of bondspersons were <u>bozales</u> fresh from Africa who performed unskilled manual labor. The absence of artisan guilds and their concomitant exclusionary practices in Louisiana allowed slaves and free people of color to enter the skilled crafts based on their own merits more readily. 44

All too often, however, the wages paid and respect accorded slaves were just as low for free blacks, especially unskilled workers. Proud of their free status, many free people of color resented toiling alongside slaves and suffering equally abusive treatment and low economic returns. Free blacks occasionally vented their frustrations upon employers of mixed work forces. In 1791 the pardo libre Juan Weit assailed Constancio Tardif, who had hired him to repair the levee that fronted his farm five leagues outside New Orleans. Tardif claimed that Weit had hidden in a distant field until his employer came along unaccompanied, jumped out, seized him by his hair, beat him, and knocked him down. Tardif was aware of no other motive than that

Weit had complained about working with some slaves hired from another white man. Fortunately for Tardif, another free black, Juan Grande, halted the attack. Documents for the case were incomplete, but Weit likely spent some time in jail.⁴⁵

Wages

In general, the wages free people of color earned varied by skill, competence, labor demand, and individual whim. Tasks women carried out usually commanded lower wages, although those involved in trade probably could earn as much or more than their male counterparts. Wage data for the period are scanty and do not have much meaning until the cost of necessary staples, supplies, and rents can be computed. Travelers to New Orleans, however, generally noted high wages that were frequently offset by exhorbitant prices for land, slaves, drygoods, and foodstruffs. For the opening years of the nineteenth century Berquin-Duvallon observed that

all objects of subsistence which the country produces have about doubled in value at New Orleans since several years back, and are daily becoming dearer, because of the constant increase in the local -- and especially the foreign -- population.

A father, mother, several children, and three to four servants required an annual income of 2,000 pesos merely "for the maintenance of necessary decency and without any superfluity." Berquin-Duvallon described the needs of a

middle to upper-middle sector family. In 1801 Pintard remarked on the "extravagant rate of wages" and the "dilatoriness of performance." According to the physician Paul Alliot,

the ordinary day wage for men or women workers in four escalins (French coin equivalent to a Spanish real). Relatively to the price of house rent and of all products in general, there are very few who live in comfort.

A few examples will highlight the range of pay rates. The first Spanish governor, Don Antonio de Ulloa, imported skilled laborers, including free men of color, from Cuba and stipulated that they were to earn wages equivalent to those prevailing on the island. Monthly wages for master craftsmen ran sixty pesos for caulkers, coopers, and joiners; fifty pesos for masons and carpenters: thirty-six pesos for blacksmiths; and thirty pesos for stonecutters. in addition to provisions. Monthly wages for journeymen and apprentices in the respective occupational categories were sixty (with fewer provisions)/twenty-four; thirty/twelve; twenty-seven/twelve; and twenty-seven (there were no apprentice stonecutters). Of the sixty-nine craftsmen whom Ulloa commissioned, twenty-two (31.9%) were free men of color: one apprentice caulker; two master, three journeyman, and four apprentice masons; two master, three journeyman, and three apprentice carpenters; one master and one journeyman blacksmith; and two master stonecutters.

Many of these skilled workers returned to Cuba in 1768 or 1769 following Ulloa's forced departure from Louisiana. 49

These Cuban wages were higher than those prevailing in New Orleans in the late eighteenth century. In 1782 Marion Gayarré and Batista, both pardos libres and coopers, agreed to work for Don Luis Boisdore at a rate of 400 pesos per year (about thirty pesos monthly). 50 When the moreno libre Carlos Meunier appeared in court on charges of failing to pay his debts, the court ruled that as a carpenter he should be able to earn at least thirty pesos per month and ordered him to pay one-third of that to his creditors. 51 Juan Bruno, a moreno libre, worked as a ship's cook at twelve pesos per month and traveled to London and Trinidad. 52

The government often hired slaves and free men of color to perform manual labor at low wages. When local officials called upon emergency workers to repair frequent breaks in the levee or simply to maintain it, they paid slaves and free blacks the same daily wage. Unskilled laborers working on the levee garnered three or four reales per jornal (work day), or nine to twelve pesos monthly. Between 2 and 19 August 1791 the governor and intendant paid thirty "negros, libres y esclavos" four reales a day to unload cargo from the seized frigate San Juan Bautista. Officials paid whites six reales per day for doing the same work. 54

It seems that militia personnel were also regarded as unskilled laborers. According to the complaint of one free

pardo officer, Pedro Bailly, on the average the government reimbursed militia members at two reales per day, or seven and a half pesos per month. Bailly claimed that this wage was much lower than what most of them made at their trades. In addition, military authorities frequently employed members of the free black militia units in repairing fortifications. Militiamen disdained these manual labor assignments, which they associated with slavery, especially when promised training for active combat. 55

Domestic service, primarily employing women, paid even lower wages. A court gave Mariana San Juan a monthly salary of only five pesos, despite the many services she provided her white consort (refer to discussion on page 128). In order to reimburse her self-purchase price, the morena libre Cecilia contracted with her former master Luis Patus to serve him as a domestic at a monthly rate of six pesos. 56 Ursula Guillermo, parda libre, earned six pesos monthly as a laundress but found the work hazardous when her employer occasionally attacked her. 57 All the above wages were substantially lower than the 2,000-peso annual income Berquin-Duvallon prescribed, but most free persons of color did not have to support (or did not have the luxury of supporting) a spouse, numerous children, and servants on their income alone. They most likely would have put their children to work and hired out their slaves.

The Learning Process

Like most white persons and slaves, free people of color acquired their skills by observation and apprenticeship. Excepting the Ursuline school for girls, the royal Spanish school, and some private classes given by "qualified" individuals, few institutions in New Orleans offered a formal education. Wealthy colonists sent their children to schools in Europe, but the majority relied on private libraries and the expertise of master tradespersons. Free blacks in particular learned trades, because there was a demand for their skills and they were excluded from most professions that required formal learning. According to temporary resident Alliot,

there are many workmen of all kinds at New Orleans. All the men of color or free negroes make their sons learn a trade, and give a special education to their daughters whom they rarely marry off. 59

For example, Luison Santilly, a parda libre, apprenticed her son to José Joaquín Fernández, master carpenter, for five years. During that time Santilly agreed to feed, care for, and provide medical expenses for the eleven-year-old Miguel.⁶⁰

Skilled free blacks also trained others. The free moreno carpenter Pedro Laviolet contracted with María Josefa Roy to teach his craft to her moreno slave Alexandro Josef, ten years old. According to the terms of the contract, Roy agreed to lodge, maintain, and dress the slave during the

first four years of the deal, and Laviolet did the same during the final two years. Over the full six years Roy paid for the slave's medical care and reimbursed Laviolet for any time lost to illness or marronage. Laviolet was only to work Alexandro Josef half a day, and on days that the slave was not needed by Laviolet he could work for Roy. 61

As the last case and several others in Chapter 2 reveal, many freed persons acquired skills during their enslavement, and they often used these talents to earn the money that purchased their freedom. For example, the hairdresser Pompé, moreno slave of the Administrador de la Real Aduana (chief official of the royal customhouse), Don Josef Antonio de Hoa, purchased his liberty for 600 pesos. Having already deposited 400 pesos. Pompé was to make installments based on his monthly earnings of twenty pesos. from which Hoa subtracted five pesos for haircuts for himself and his brother. In addition, Pompé had to serve Hoa freely for eight months. 62 One year earlier Hoa had manumitted another of his slave hairdressers, the moreno Pedro, twenty-one years old, for 400 pesos. 63 The creole moreno Luis, alias Gordo, petitioned his mistress' estate to grant him liberty; he served as overseer of the estate's other slaves, was fifty-five years old, and purchased his freedom for 440 pesos. 64 Andrés Nata, a moreno blacksmith, purchased his freedom for the arbitrated amount of 800

pesos. Unfortunately, he enjoyed liberty for only a short time; he was buried four years later at the age of forty. 65

Females and males involved in the service sector most likely obtained their talents less formally than artisans or managers did. They watched other slaves and free persons sewing, hunting, washing, cleaning, and vending and imitated their actions. On 21 May 1803 Don Antonio Jung manumitted graciosamente his pardita slave María Clara, the seven-yearold daughter of his former parda slave Francisca. That same day Doña Margarita Landreau, widow of Don Julian Vienne, registered a note of obligation assuming responsibility for the education of María Clara. In exchange for the pardita's labor over a twelve-year period, Landreau agreed to teach her the arts of cooking, washing, and everything else necessary to manage a house. One day before he manumitted María Clara, Jung also freed María Clara's sister Virginia, a three-year-old pardita. In this case, the free morena Venus, who had purchased her carta de libertad from Jung at the same time, promised to educate and sustain Virginia until she could do so for herself. Virginia brought to the household all her clothes and fifty pesos to help Venus with food and clothing, but love primarily motivated Venus' action.66

Contributing Factors to Material Success

Although free blacks acted upon every opportunity. several factors, some of them beyond their control. influenced the capacity of free persons of color to acquire enough goods to provide economic security for themselves and their families, or in other words, to accumulate wealth that was then passed on to their heirs. First, free blacks who acquired marketable skills either before or after being freed tended to prosper. Throughout the Americas skilled blacks found it easier to purchase freedom and continue to earn as a free person. Many slaveholders allowed their slaves to rent themselves out, taking a portion of the jornales and permitting the slave to keep the remainder. 67 The morena libre Helena poignantly revealed the impact that possessing a skill high in demand could have on attaining and retaining free status. Helena tried to convince the court that appraisals of her slave son were excessive because he knew no trade and his master had readily admitted that the slave was a thief and drunkard. In her plea she provided several examples of skilled slaves who had purchased their freedom at the amount her son was appraised and pointed out that an unskilled moreno slave could never earn such an exorbitant sum. 68

The free person of color's ties to and reputation in the white community constituted a second factor in the succeed-fail equation. A corporate society stratified by

race and class such as prevailed in Spanish New Orleans primarily operated according to parentela (extended family) and clientela (patron/client) relationships. Advantages accrued to those free blacks who were linked by kin and patronage to leading white families. When a prominent white man. Don Luis de Lalande Dapremont, brought charges of criminal activity against the free pardo Pedro Bailly, he threatened the livelihood of Bailly and his family. Bailly claimed that the charges were false and entered out of spite; Dapremont had just recently lost a suit that Bailly had brought against him for collection of a debt. Bailly also stated that the mistrust engendered by these charges had seriously affected his retail business because white patrons from whom Bailly had borrowed funds and goods were beginning to harass him for payment and refused to extend him additional credit. A militia officer and loval servant of the king, Bailly had earned the distinction of a buen vasallo (good subject) meriting the favor of local jefes (leaders). The court eventually dropped Dapremont's charges against Bailly, thereby restoring his favorable reputation, at least for the moment. 69

Free persons of color occasionally formed business partnerships with white individuals. Pedro Viejo jointly owned a small dry goods store with the morena libre Juana. A native of Guinea, Juana was a former slave of Luis Poirson and the legitimate daughter of two slaves. Half of the

enterprise belonged to her, and she designated Viejo as her only heir. The cuarterona libre María Juana Ester and Antonio Sánchez were partners in another retail business. Born in New Orleans to the parda libre Victoria Rouden and an unknown father, María Juana had one natural daughter named Francisca, also a cuarterona libre. In her will María entrusted Sánchez with selling her share of the partnership's goods and placing its proceeds in her daughter's possession. Included in the estate inventory were farm and carpentry implements, wagons, ox teams (all of them named), cows, horses, lumber, a canoe, slaves, and two farms.

Kinship ties to white persons as well as patronage gave some free people of color added economic leverage. Some white fathers publicly acknowledged their free black consorts and offspring and donated personal and real property to them. This 1794 will Don Pedro Aubry declared that he was single but that he had two natural children -- Pedro Estevan and María Genoveva -- by the morena libre María Emilia Aubry, all his former slaves. As his only heirs, the children received a farm seven leagues from New Orleans, two slaves, livestock, furniture, and household goods. When Don Francisco Hisnard died on 28 July 1798, he left a will written three months prior in which he declared that he was single but recognized his three natural children by the free morena Mariana Grondel,

more commonly called Hisnard: Clemencia (about twenty-three or twenty-four years old). Eufrosina (twenty-two), and Sofia (eleven), all free pardas. Don Francisco instructed his executors to divide the proceeds from the sale of his goods among his only heirs, his three natural daughters. In addition, the three women came into possession of their mother's estate, Grondel having died one year before Hisnard. Clemencia, Eufrosina, and Sofía inherited property totaling 1,852 pesos from their mother and 468 pesos 5 reales from their father. Eufrosina had served as the former slave and long-time consort of Louisiana's auditor de querra (military legal counselor to the governor) Don Nicolás María Vidal, for whom she bore three cuarterona daughters. One of these daughters, María de la Merced. "caused an international incident in Pensacola when she appealed to Andrew Jackson as territorial governor to intercede with Spanish officials to recover documents regarding her late father's estate."74 Kinship ties with propertied whites and other free blacks enabled some free persons of color to wield greater influence.

In some cases, however, patronage placed free blacks in positions of dependency much like slavery. Mary C. Karasch found that in early nineteenth-century Rio de Janeiro "since so many freedpersons were women, many continued to work as servants for their previous owners and to maintain old patterns of dependency." Other scholars note that

throughout the New World "newly 'freed' persons were typically enveloped in conditions of lingering servitude resulting from provisos in their manumission papers or from debts incurred in self-purchase."75 Such a continuing dependent relationship involving a benefactor and a recently manumitted slave transpired in New Orleans between Don Antonio Pascual y de Regas and Angélica. Pedro Visoso manumitted his morena slave Angélica, about thirty years old, for 400 pesos paid by Don Antonio. Angélica in turn contracted with Don Antonio to serve him the rest of his life and travel with him wherever he should go, but she retained all the rights of a free person. 76 These arrangements, while exploitative, also offered a newly manumitted person who had few skills or assets protection from the many uncertainties and possible downward mobility freedom could impart.

Indeed, a third factor that could help a free person of color succeed materially was that of being born a free person or having free kin. Second or third generation free blacks usually inherited the accumulated riches, no matter how meager, of past generations, and slaves who had well-established free black friends or relatives stood a better chance of being "rescued" from slavery than those with no ties to the free black population. For example, Juan Bautista Hugón, born free and a captain of the free pardo militia when he died in 1792, purchased the freedom of

four out of five of his children and at least one of their mothers during his lifetime. At the time of his death Hugón's goods consisted of a house and land on Calle Santa Ana in New Orleans, one slave, furniture, and clothes. He donated to Don Juan Bautista Macarty's morena slave named Magdalena a bed, a stoneware fireplace adornment, one pig, and the chickens on the patio of his house. Hugón also requested that his testamentary executor, the moreno captain Manuel Noël Carrière, purchase his fifth child's carta de libertad. Hugón's goods sold at public auction for 1095 pesos. After paying for the carta, outstanding debts, and burial and court costs, Carrière turned over 227 pesos, 5 reales to Hugón's children.77

One final testament illuminates the extent of property a free person of color could accumulate during a lifetime and bestow upon relatives and friends when he or she died. It also reveals the intricate kinship and patronage ties among free blacks and whites. Perrina Daupenne, parda libre, drew up her will in August 1790. She was the natural daughter of a white man she confessed not to know and the parda libre María Daupenne, single, and without any children. Daupenne owned a house in the city and ten slaves, five of whom she freed graciosamente. She also instructed her executor to purchase the freedom of a pardo slave belonging to a white man. In addition to giving the charity hospital ten pesos and a priest thirty pesos to say

thirty masses for her soul, Daupenne donated slaves, livestock, clothes, furniture, linen, household goods, and a cypress grove to her friends, aunts, and cousins, all of them women. To her brother she gave her share of their dead brother's estate. Daupenne's white godmother, Doña Sinfora Prado y Navarete, received all her gold jewelry and a mahogany wardrobe. Daupenne appointed another white person and government official, Don Andrés Manuel Lopés de Armesto, to be her executor. Finally, Daupenne named as her heir the moreno libre Candio Tomás, legitimate son of her cousin María Juana Pierre Tomás and of Pedro Tomás, morenos libres. ⁷⁸ Unfortunately, few free people of color went to their graves this wealthy, but those who did usually raised the material level of at least some free blacks and slaves who remained behind.

Conclusion

Free women and men of color in Spanish New Orleans actively participated in the economic and social life of the society. Though not as prosperous or prominent as leading white persons, some free blacks successfully battled downward mobility and secured a stable niche in the middle stratum. As will be seen to some extent in Chapter 5, free persons of color borrowed money from and loaned it to whites, other free blacks, and slaves. From information that can be discerned in the available sources, free blacks

generally garnered wages equivalent to work performed by their white and hired slave counterparts, earnings that placed them in the lower and middle economic sectors. In Louisiana and other colonies metropolitan and local discrimination against non-whites both in the courtroom and on the street restricted access to resources needed to enter the upper echelons of the social hierarchy. Records for the Spanish period of New Orleans' history attest to the daily battle free blacks waged in order to fight off poverty, free their families, and acquire property and patronage. Those who flourished often functioned as leaders among their peers, most prominently exemplified through command positions in the free pardo and moreno militia units.

Notes

¹Burson, <u>Stewardship of Don Esteban Miró</u>, p. 253.

²Geggus, <u>Slavery</u>, <u>War</u>, <u>and Revolution</u>, p. 19. Cohen and Greene ("Introduction," in <u>Neither Black nor White</u>, p. 8) further note this link between self- and third-party purchase and opportunities for artisans and traders: "Certainly the evidence suggests that where the 'pulling up' of wives and relatives by newly freed men was a relatively common practice it was a reflection of the opening of the economy to colored traders and artisans." In New Orleans many of these traders were females, who also purchased cartas for themselves and loved ones.

³Quote from Berquin-Duvallon, <u>Vue de la colonie et spagnole du Mississipi</u>, <u>ou des provinces de Louisiane et Floride occidentale</u> (Paris: l'Imprimerie Expédite, 1804), p. 252. See also Claude C. Robin, <u>Voyages dans l'interieur de la Louisiane</u>, <u>de la Floride Occidentale</u>, <u>et dans les Isles de la Martinique et de Saint-Dominque</u>, <u>pendant les années 1802, 1803, 1804, 1805 et 1806</u>, 3 vols. (Paris: F. Buisson, 1807), II: 75. The French physician Paul Alliot ("Historical and Political Reflections," in <u>Louisiana Under</u>

the Rule, trans. and ed. Robertson, I:85) wrote in 1804 that New Orleans free women of color "inspire such lust through their bearing, their gestures, and their dress, that many quite well-to-do persons are ruined in pleasing them."

⁴Cohen and Greene, "Introduction," p. 16. Lyman Johnson ("The Impact of Racial Discrimination on Black Artisans in Colonial Buenos Aires," <u>Social History</u> 6:3 (1981): 301-16) notes the development of guilds in colonial Argentina, whereas Karasch (<u>Slave Life in Rio</u>, p. 200) finds few guild restrictions operating in early nineteenth-century Rio. The only restrictions I have found for Spanish New Orleans were requirements for the licensing of doctors by a panel of their peers. In 1801 when licenses were reviewed, the free moreno médico, Santiago Derom, was limited to the curing of throat ailments and nothing else (RDC, vol. 1, 8 May 1772 and vol.4, no. 4, 14 August 1801).

⁵Burson, <u>Stewardship</u>, p. 253.

⁶Examples of such behavior are presented in this chapter and Chapter 6. Researchers have noted such a division among free blacks and alliances with whites or slaves throughout the Americas. For a summary see Cohen and Greene, "Introduction," pp. 11-16.

 $^{7}\mathrm{Census}$ of 1791 and Census of 1795. Census takers grouped persons in one of three age categories: (1) 0-14; (2) 15-49; (3) 50+.

⁸For example, see Celia Wu, "The Population of the City of Queréaro in 1791," <u>Journal of Latin American Studies</u> 16:2 (November 1984): 279.

⁹I have used Jacob Price's model for the grouping of occupation by sector in American port cities ("Economic Function and the Growth of American Port Towns in the Eighteenth Century," Perspectives in American History 8 (1974): 123-86). Compare total figures and percentages with those of Price for late eighteenth century Boston, Philadelphia, and New York City (p. 137). He uses slightly different terms for the same sectors: his governmental=my public, industrial=manufacturing, maritime=commerce. Compared to Prices' cities, Spanish colonial New Orleans sported a much larger public sector and a much smaller manufacturing sector, to be expected in a colonial capital of a mercantilist, monarchical empire.

¹⁰Karasch (<u>Slave Life in Rio</u>) also finds in early nineteenth-century Rio that the most common occupation among skilled slaves and freedmen was that of carpenter, or more generally, any construction craft, including joiner, caulker, and mason (p. 200). Most females served as domestics and/or vendors (pp. 206-8).

¹¹Census of Fauxbourg Ste. Marie, 1798, AGI PC 215-A. Organized and subdivided beginning in 1788, the Faubourg St. Mary (Arrabal Santa María) was located just outside the city walls upriver. By 1798 240 whites, 96 free persons of color, and 256 slaves resided in the suburb.

 $^{12}\mathrm{Cohen}$ and Greene, "Introduction," p. 16; Robin, <code>Voyages</code>, II: 59-61.

13Karasch, Slave Life in Rio, p. 201.

14Karasch, Slave Life in Rio, pp. 185-213, 335-69.

 $^{15} \rm RDC$, vol. 3, no. 2, 1787; Court Proceedings of Ximénez, f. 243-45, 30 November 1804.

16Robin, Voyages, II:75.

¹⁷Berquin-Duvallon, <u>Vue</u>, p. 253 and Robin, <u>Voyage to Louisiana</u>, p. 75. Ironically, in another section of his account Berguin-Duvallon perpetuated the myth (see Note 3).

¹⁸Acts of Mazange, no. 7(1), f. 303, 2 April 1783; "Executivos seguidos por Santiago Derom, Negro libre contra Doña Isavel de Trean, sobre el cobro de pesos," SJR, 30 April 1791; RDC, vol. 4, no. 4, 14 August 1801; Charles B. Roussève, The Negro in Louisiana: Aspects of His History and His Literature (New Orleans: Xavier University Press, 1937), pp. 9-10. In the eighteenth century doctors were not esteemed as highly as they are today and usually ranked well below government officials, planters, merchants, and even lawyers on the colonial social scale. In the New World colonies of many nations barbers often doubled as surgeons and dentists, many of whom were free people of color. For examples, see Karasch, Slave Life in Rio, p. 202.

19Berquin-Duvallon, Vue, p. 253.

²⁰Acts of Garic, no. 8, f. 399, 5 November 1777.

²¹Acts of F. Broutin, no. 15, f. 251, 3 August 1792.

22Acts of F. Broutin, no. 25, f. 275, 24 October 1793.

²³Acts of Almonester y Roxas, f. 287, 2 November 1772; Court Proceedings of Quiñones, no. 1, f. 87-103, 8 February 1779; AGI SD 2548, 18 January 1782. Calpha's militia service is detailed in Chapter 4. 24"Tableu des habitations . . . Metairie," AGI PC
211, 12 March 1796.

 $$^{25}{\rm Karasch}$ finds the same for Rio (Slave Life in Rio, p. 200).

26"Relación de la perdida que cada Yndividuo ha
padecido en el Yncendio de esta Ciudad acaecido el 21 de
Marzo del presente aña . . ., " AGI 5D 2576, 30 September
1788; Acts of F. Broutin, no. 7, f. 222, 7 May 1791; 1801
Militia Roster.

 $^{27} \rm Acts$ of F. Broutin, no. 7, f. 20, 17 September 1790; AGI PC 160-A, 1 May 1801.

28Acts of Garic, no. 6, f. 171, 26 June 1775; Acts
of F. Broutin, no. 46, f. 125, 19 June 1797; AGI PC 160-A,
1 May 1801. Additional information concerning Bernabé's
role in a joint white/free black conspiracy to overthrow the
Spanish government in the 1790s is provided in Chapter 7.
Bernabé remained loyal to the Spanish regime. In addition,
further discussion of militia members' occupations can be
found in Chapter 4.

29Robin, <u>Voyages</u>, p. 61. The governor and Illustre Cabildo also contracted with the free black carpenter Juan Bouquin in 1796 to work on the cemetery and Carondelet Canal. The canal linked New Orleans with Bayou St. John and gave the city an outlet to the Gulf of Mexico via Lake Pontchartrain. Slave and prison labor primarily constructed the canal. Bouquin charged the cabildo twelve reales per day for his labor, four reales per day for labor performed by his slave, and the cost of materials (Cabildo Records, box, 2a, folders 7a and 7b, 14 September 1796 and 3 November 1796, LLMVC; John Pintard, "New Orleans 1801: An Account by John Pintard," ed. David Lee Sterling, <u>LHO</u> 34:3 (July 1951): 223.

30"Recensement du Faux-bourg Ste. Marie pour l'añée 1798," AGI PC 215-A, 1 February 1798; RDC, vol. 3, no. 3, 19 September 1794. Slaves also commonly earned extra money by cutting and selling wood to their owners or other free persons both in the city and on plantations. In addition, one temporary resident noted that Amerindian women living on the outskirts of New Orleans "go into the forests to gather wood, which they carry into the city. They still sell the wood per day for thirty-six or forty sols" (Alliot, "Reflections," p. 83).

 $^{31}\mathrm{City}$ Treasury Accounts for 1787, Cabildo Records, box 1, folder 4, LLMVC. In New Orleans, as well as in Rio, "one of the most important peddling operations was the

vending of all types of foodstuffs, fresh and prepared " (Karasch, Slave Life in Rio, p. 207).

³²Thomas Ashe, <u>Travels in America Performed in 1806</u>, 3 vols. (London: Richard Phillips, 1808), III:260. In addition to free people of color and poor whites, other marginal economic groups -- "primarily city slaves engaged in selling the surplus of their gardens and loot from nocturnal activities, or Indians peddling vegetables, fish, blankets, and trinkets" -- participated in the city's retail industry (Clark, <u>New Orleans</u>, p. 256).

 33 Acts of Almonester y Roxas, f. 97, 15 February 1782; 1795 Census.

³⁴RDC, vol. 3, no. 1, 10 September 1784; PDLC, book 4079, doc. 234, 2 September 1794. Both French and Spanish local officials actively involved themselves in ordering daily living, their most vital task being regulation of colonial food supplies. Authorities attempted to provide adequate, edible foodstuffs to the population at fair prices for both producer and consumer. During the Spanish period, government regulation of the New Orleans market intensified as the cabildo began exercising "a direct and increasing influence upon the daily economic life of the town." In this capacity town council members "set prices, inspect(ed) for quality, assure(d) the use of standard weights and measures, and prevent(ed) recurrent food shortages from benefiting monopolists and forestallers at the expense of the public welfare (Clark, New Orleans, p. 257).

³⁵Report from Juan de Castañedo, City Treasurer, 1795, Cabildo Records, box 2, folder 6, LLMVC.

36Pintard, "New Orleans in 1801," p. 232. United States officials increased restrictions on license holding with similar results: "In the month of January, 1823, thirty-two vending licenses were issued by authorities. Only free males could procure the licenses, but the licenseholders seldom did the actual selling. That task was generally reserved for black slaves: many plantation owners regularly sent their slaves into town to hawk surplus produce in the street. Most of these hawkers were women" (Lilian Crété, Daily Life in Louisiana, 1815-1830. Translated by Patrick Gregory (Baton Rouge: LSU Press, 1981), p. 64). Travelers to Rio imparted the general impression that city market stalls were the domain of African women. These women, however, actually owned the stalls. Karasch surmises that "since so many stall owners were freedpersons, perhaps they had acquired a stall and freedom" (Slave Life in Rio, p. 207).

 $$^{37}\mbox{PDLC},$$ book 4079, doc. 287, 6 October 1797. The merchants referred to the "crecido número de Mulatas y Negras tanto libres." The New York merchant Pintard wrote that "one finds however but very little interchange of courtesy among the merchants_too great jealousy of each other prevails" ("New Orleans in 1801," p. 232).

38"Proclamación por Governador Unzaga y Amezaga para regular las casas de Trujos, Posadas, y Tabernas," 26 August 1770, AGI PC 110; Jack D. L. Holmes, "Spanish Regulation of Tavern and the Liquor Trade in the Mississippi Valley," in The Spanish in the Mississippi Valley, ed. John Frances McDermott (Urbana: University of Illinois Press, 1974), pp. 149-82. In 1791 New Orleans boasted more tavernkeepers than any other occupation -- a full seventy heads of household (1791 Census).

³⁹Acts of Almonester y Roxas, f. 268, 27 October 1773 and f. 85, 16 February 1775; City Treasury Accounts for 1787, Cabildo Records, box 1, folder 4, LLMVC; "Relación de la perdida . .," AGI SD 2576, 30 September 1788; 1795 Census; City Treasury Accounts for 1799, Cabildo Records, box 2a, folder 8, LLMVC.

40 Karasch, Slave Life in Rio, p. 201.

41Acts of F. Broutin, no. 7, f. 89, 23 December 1790; Court Proceedings of F. Broutin, no. 23, f. 277-88, 20 August 1793; Acts of Ximénez, no. 6, f. 162, 25 April 1794. Don Francisco also donated a house and land to the free pardo carpenter Pablo Cheval and Pablo's sister Luison Cheval, the mother of seven cuarterones by Don Carlos Vivant (Acts of F. Broutin, no. 25, f. 169, 9 June 1793 and no. 40, f. 177, 31 May 1796).

 42 Court Proceedings of F. Broutin, no. 16, f. 48-115, 12 January 1793.

 $^{\rm 43} \rm Court$ Proceedings of F. Broutin, no. 22, f. 518-27, 23 September 1793.

44Hall's examination of slavery in Pointe Coupée parish indicates that 70 to 80% of the slave population was from Africa (<u>Africans in the Formation of American Culture</u>, forthcoming from LSU Press, 1991). See also Lachance, "The Politics of Fear" and McGowan, "Creation of a Slave Society." I have not come across any reference to guild organization in colonial Louisiana.

 $^{\rm 45} \text{Court Proceedings of F. Broutin, no. 3, f. 139-45,}$ 29 January 1791.

46Berquin-Duvallon, <u>Vue</u>, pp. 42, 43.

⁴⁷Pintard, "New Orleans in 1801," p. 226.

48Alliot, "Reflections," p. 91.

49"Copia de las condiciones . . ., " AGI PC 548, 1766 and 1767; "Lista y asientos de la Maestranza . . ., " AGI PC 548, 1767. Some wages were accorded on a daily basis, but for comparative purposes I converted them to a monthly rate, based on a twenty-four-day work month (six days per week).

⁵⁰Acts of Almonester y Roxas, f. 19, 18 January 1782.

 $^{51}\mathrm{Court}$ Proceedings of N. Broutin, no. 48, f. 319-37, 6 August 1801.

⁵²Acts of Almonester y Roxas, f. 207, 22 April 1782.

53See for example the report presented by Carlos de la Chaise to the cabildo listing salaries to be paid to slaveowners and free blacks for labor performed on constructing a fence along the levee and hauling soil to the city in order to repair the streets and build houses (Cabildo Records, box 2, folder 6a, 26 June 1795, LLMVC).

 $$^{54}\mathrm{Court}$$ Records of Fermín Hernández, no. 1, f. 99-100, 21 August 1791.

 $^{55} \rm AGI$ Estado 14-60 and 5-107, 1794. A detailed discussion of Bailly's life and activities can be found in Chapter 7.

⁵⁶Acts of Almonester y Roxas, f. 23, 12 January 1781.

 $$^{57}\mathrm{Court}$ Proceedings of N. Broutin, no. 47, f. 76-96, 22 January 1801.

⁵⁸Henry P. Dart, "Public Education in New Orleans in 1800," <u>LHQ</u> 11:2 (April 1928): 24-52; Roger Philip McCutcheon, "Libraries in New Orleans, 1771-1833," <u>LHQ</u> 20:1 (January 1937): 152-58; Minter Wood, "Life in New Orleans in the Spanish Period," <u>LHQ</u> 22:3 (July 1939): 642-709.

⁵⁹Alliot, "Reflections," p. 85.

⁶⁰Acts of F. Broutin, no. 15, f. 245, 27 July 1792.

61Acts of F. Broutin, no. 15, f. 70, 17 March 1792.

62 Promovidos por Pompè, negro contro el Sr. Dn. Josef Antonio de Hoa, Admr. de Rl. Aduana sobre que le otorgue su livertad, por la cantidad de 400 ps.," SJR, 7 January 1793; Acts of Ximénez, no. 4, f. 193, 12 April 1793.

63Acts of Ximénez, no. 3, f. 589, 28 November 1792.

 $^{64}\mbox{Acts}$ of Almonester y Roxas, f. 777, 6 November 1776.

65 Acts of Almonester y Roxas, f. 262, 8 May 1779; Sacramental Records, vol. 3, p. 220, 24 October 1783.

⁶⁶Acts of Pedesclaux, no. 44, f. 421 and 423, 20 May 1803 and f. 428, 21 May 1803. The sisters' mother, Jung's former slave, had either died or been sold to another person.

 $^{67} \mathrm{For}$ example, see Karasch, <u>Slave Life in Rio</u>, pp. 362, 364.

⁶⁸"Elena Negra libre sobre darle la Libertad a su hijo Esclabo de Dn. Henrique Despres por el precio de su estimación," SJR, 12 August 1780.

⁶⁹ "Criminales seguidos de oficio contra el Pardo libre Pedro Bailly," SJR, 7 October 1791. Bailly was tried and convicted on similar charges in 1794, see Chapter 7.

 $$^{70}{\rm Acts}$$ of Almonester y Roxas, f. 389, 1 September 1775.

71Court Proceedings of N. Broutin, no. 53, f. 225-98, 11 June 1802.

⁷²As noted in Chapter 2, several white fathers manumitted their natural offspring and slave consorts along with donating property to them. I agree with Loren Schweninger, however, that "even with the advantage of inheritance, it took energy, industry, and business acumen for these people [free people of color in the lower South] to maintain their property holdings. In towns and cities, free men and women of color took advantage of the continued demand for service businesses, the relatively small numbers of skilled whites and immigrants, and the general appreciation in city property values to expand their estates" during the antebellum period ("Prosperous Blacks in the South, 1790-1880," American Historical Review 95:1 (February 1990): 36.

 $^{73}\mbox{Acts}$ of F. Broutin, no. 30, f. 328, 23 December 1794.

74"Testamentaria de Don Francisco Hisnard que falleció en el Puesto de Opellousas," SJR, 27 August 1798; Acts of Pedesclaux, no. 40, f. 81, 6 February 1802; Acts of N. Broutin, no. 4, f. 544, 31 December 1802; Holmes, "Do It! Don't Do It!: Spanish Laws on Sex and Marriage," in Louisiana's Legal Heritage, ed. Haas, p. 23.

⁷⁵Cohen and Greene, "Introduction," pp. 12-13; Karasch, <u>Slave Life in Rio</u>, p. 363. Also see the cases discussed in Chapter 2 involving freedwomen who obligated themselves to further service immediately following a gratis manumission.

76Acts of F. Broutin, no. 15, f. 370, 371, 14
December 1792.

 $$^{77}\mathtt{''}$ Autos fecho por fin y Muerte de Juan Bta Hugón," SJR, 8 August 1792.

⁷⁸Acts of F. Broutin, no. 7, f. 1, 23 August 1790.

CHAPTER 4 AN HONOR AND PRIVILEGE TO SERVE: THE FREE BLACK MILITIA

Free black militia units in New Orleans played a vital role from the perspective of both the Spanish government and the free population of color itself. As noted in previous chapters, Spain's primary interest in Louisiana was strategic. Throughout the French and Spanish colonial periods, though, Louisiana's population remained sparse, and both metropolitan governments were faced with little option but to turn to the free population of color for their defensive needs. Forming part of the strategic circum-Caribbean region, the colony lacked any realistic alternative to arming and organizing substantial numbers of free black males. Some colonial leaders even preferred free black militiamen to regular troops and white militias.1 Spanish governors thus called upon the free black militia of New Orleans to serve in almost every military operation, the most noteworthy ones being the North American War for Independence and threatened repercussions stemming from the French Revolution.

This chapter examines the defensive, economic, and social role of New Orleans' free militia of color and places it within the context of the free black militias that

functioned throughout Spanish America. During times of war the city's militia defended the colony from external and internal foes, and during times of peace it chased cimarrones, repaired breaks in the levee, and patrolled city streets at night. The four decades of Spanish rule witnessed an increase in size and prominence of the free black militia. As can be ascertained from the constant struggle to maintain the militia's existence and integrity in the early years of United States rule, free militiamen of color in New Orleans viewed their organization as a corporate entity which allowed them to associate with whites on a theoretically equal basis and which bestowed upon them the honor and privileges that free people of color aspired to attain.

Free Black Militias in Spanish America

The character and purpose of New Orleans' free militia of color closely resembled other Spanish free pardo militias.² Demographic realities in most frontier or marginal regions necessitated enlistment of free blacks in urban and provincial (or disciplined) militias. There simply were not enough whites to fill the ranks, especially during the last quarter of the eighteenth century, when Spain attempted to place the burden of defense on its colonies. In addition, most colonials actively endeavored to shirk their obligation as able-bodied royal subjects to

train for and fight in what they considered to be metropolitan squabbles that were of little concern to them. Administrators thus drew upon the lower, often mixed blood, sectors of society, who were more cooperative because more easily coerced. In some areas, however, free men of color were the soldiers of choice. For instance, Leon G. Campbell found that in Peru "the best soldiers were the free Negroes and Indians, but the serious doubts which the Spanish held about their loyalty meant that they had to be carefully supervised." The Baron de Carondelet, governor-general of Louisiana from 1791 to 1797, considered militiamen, free black and white, superior to regular troops because they were familiar with the terrain and also less expensive.

Throughout Spanish America militia duty offered free blacks several opportunities. By belonging to the corporate military body, free blacks had the potential to transcend most race and class barriers. In many respects, "the military minimized racial and social differences — both legally and in practice — in favor of corporate unity," although the militia, more so than the fijo regiments (units raised and stationed permanently in the colonies), reflected the hierarchical Spanish social structure. The fuero militar comprised the most coveted of military privileges. A system of judicial administration in which members of the military corporate body judged accused personnel, the fuero militar was given to officers of the militia in full. That

is, according to provisions of the military reorganization of the 1760s, militia officers were tried by a military court rather than by an ordinary tribunal in all civil and criminal cases in which they were defendants. Enlisted personnel not on active duty were granted protection of the fuero solely in criminal cases, but when mobilized for active service, they too received the full fuero.

In war torn Cuba, where the supply of eligible whites was insufficient, General Alejandro O'Reilly, who spearheaded the reorganization, recruited numerous free pardos. Hoping to boost loyalty, performance, and morale among the large free black population, he extended the fuero to the free militia of color on the same basis as for the white. Many colonial administrators, especially those outside the strategic Caribbean, balked at granting free black militiamen equal privileges, but most of them eventually complied with at least portions of the O'Reilly measures.

The fuero militar accorded free black militiamen, officers in particular, privileges many white persons were denied. A significant symbol of distinction, the fuero "placed the holder above and apart from the rest of society and in effect constituted the militia as a social elite." Because free blacks coveted this distinctive badge and whites envied their having it, colonial administrators had to appease both groups cautiously: they relied on free men

of color to defend their New World kingdoms, but they could not upset the traditional social order. Although the fuero and other privileges such as pensions and exemption from taxes helped foster corporate over class unity, it did not dissolve the hierarchical social barriers that segmented colonial society by race and class.⁸

The militias of New Orleans reflected strong racial and class divisions within the society. In its formation of the free black militia, New Orleans evidenced even greater concern with color distinctions than did many regions of the New World and even of Louisiana. Colonial administrators in the viceroyalties of New Spain, New Granada, and Peru combined morenos, pardos, Amerindians, and mestizos in free pardo units, and in New Granada these racial groups, along with whites, formed "all colors" integrated units. In Opelousas and Natchitoches, Louisiana, free blacks served in white militias. New Orleans, however, created and sustained distinct free pardo and moreno militia companies throughout the Spanish period.

This organization based on strict racial differentiation is accounted for in part by simple imitation. Cuba had established the pattern for separate free pardo and moreno units and maintained them well into the nineteenth century. Louisiana came under the jurisdiction of Cuba, and New Orleans, as administrative center of Louisiana, had the greatest contact with Havana.

Another explanation might be that local authorities endeavored to divide and thus further control members of the proportionately large free black population in New Orleans. Also, in New Orleans resided the largest numbers of free persons of color who could be organized into their own separate units. But whether they were congregated into multi-racial groups or separated into units according to phenotype, the free militias of color in each region received equal pay, provisions, and treatment. The distinctions in Louisiana and Cuba did not materially affect free black soldiers.

Militia service was not without its drawbacks. It was compulsory for all able-bodied free black males, and white commanders often assigned free pardo and moreno companies the least desirable duties. Providing the first line of defense in battle, free blacks acted as scouts, flankers, and diversionary forces. In times of war they also replenished the fijo units.

When the colony and metropolis were not embroiled in war, free black militia members labored on public works and rode in slave patrols. For the rank and file, militia service was especially toilsome: it involved frequent travel away from family and community, possible danger, and infrequent promotion. As detailed in a following section, enlisted men were often taken away from lucrative civilian jobs and pressed into lower paying militia duty. They also

faced prejudice and disdain from white militiamen, many of whom doubted their lovalty. 12 Although free black militia officers also encountered social prejudice and discrimination, they reaped many more benefits than did enlisted personnel. They were more fully covered by the fuero militar and received higher pay and retirement benefits. Prestige accompanied military leadership: for outstanding feats of combat free black officers merited commendation in the form of praise, medals, and money. Militia officers commonly assumed positions of leadership within the larger society, where they were called upon to testify as character witnesses, stand as godparents, and co-sign for loans. In addition, authorities frequently exempted officers from paying taxes, tribute, and licensing fees. When white officials threatened to disband free militias of color or replace their black officers with white ones, members voiced their opposition and struggled to maintain their status as influential participants in the society. 13

Expansion of the New Orleans Free Black Militia Under Spanish Rule

During the Spanish period the free militia of color in New Orleans increased in size and concurrently in prestige. Over a span of twenty-two years the city's free black forces burgeoned from 89 in 1779 to 469 in 1801, representing a fivefold increase and an approximate average annual growth rate of seventeen percent.¹⁴ This increase in the militia paralleled that of free black males in general and was slightly greater than the growth of the free population of color as a whole. Census data indicated that between 1778 and 1805 the number of free black males in New Orleans jumped from 121 to 624 and all free blacks from 353 to 1,566.¹⁵

Militia rolls provide substantial evidence of a much more numerous free black population than has formerly been acknowledged. For example, H. E. Sterkx states that the free population of color numbered 165 for all Louisiana in 1769, with 99 residing in the capital, 16 and subsequent scholars have accepted Sterkx's figures. By contrast, rosters of free pardo and moreno males eligible for military service and living within four leagues (twelve land miles) of New Orleans list 61 free pardos and 238 free morenos. 17 Obviously, the census taker under counted pardos, but even so, the number of males between the ages of fifteen and forty-five far exceeded Sterkx's sum. When one takes into account that females usually outnumbered males two to one in the New Orleans free black population, 18 the extent of under counting is even more astounding. As later censuses showed, not all these men actively served in the free black militia, but nevertheless. Louisiana governors had vast reserves upon which to call if the need arose.

Officers compiled the next substantial set of militia rolls during the United States War for Independence, when the Spanish government formally created two companies of free black militia for the first time. These militia lists enumerated fifty-six pardos and thirty-three morenos, for a total of eighty-nine men, nine of whom were officers. 19 In attacks on several English forts on the Mississippi River in the fall of 1779, Governor Bernardo de Gálvez led 1,427 men, including eighty of the free morenos and pardos from New Orleans. 20 The quantity of free black troops embarking from New Orleans rose to 107 for the Mobile campaign and to 143 free pardos (5 officers, 24 noncoms, and 114 soldiers) joined by 128 free morenos (5 officers, 22 noncoms, and 101 soldiers) in the Pensacola attack. 21

After the United States achieved independence colonial administrators in Spanish Louisiana did not compile any militia rosters until the early 1790s, when European wars once again prompted defensive concerns to flare. By 1791 the size of the adult male free pardo population had grown large enough to warrant the formation of a second company, and on 3 July 1791 recently-appointed Governor Carondelet promoted several officers and noncommissioned officers from the original company to higher posts within the new company.²² One of these promotions went to Francisco Dorville, who rose from lieutenant of the first company to captain of the second company. Dorville had a long and

illustrious service record, beginning with campaigns against the English at Baton Rouge, Mobile, and Pensacola. As a second lieutenant in the free pardo company, Dorville earned a distinctive medal of merit and monetary gratification from the king for his acts of bravery at Baton Rouge and an award of 300 pesos for courage displayed at Mobile and Pensacola. By the end of the Spanish period Dorville had risen to the position of commander of the Battalion of Free Pardos of New Orleans.²³

To fill the lieutenant position Dorville left vacant, the governor promoted second lieutenant Carlos Simón. Carlos was most likely the son of Pedro Simón, commander of the free pardo and moreno militia in 1770. Like Dorville, Carlos Simón had served valiantly in the United States war for independence, during which time he had received his post as second lieutenant. Simón did not appear in the 1801 militia roster; he was either too old to serve or had died.²⁴ During the reorganization of 1791 the Spaniards also promoted first sergeant Juan Bautista Saraza (Sarrar. Sarrase) to lieutenant of the second company of free pardos. In the expeditions against the English Saraza had served as a sergeant. By 1800 Saraza held the position of captain; he represented the free black militia in presenting a petition to the New Orleans cabildo requesting permission to hold weekly dances during the holiday season.²⁵

During the 1790s free black militia numbers increased and organization became more complex. Table 4-1 details the size and structure of the free pardo and moreno companies in 1793, and Table 4-2 does the same for 1801. In addition to the figures for 1801 presented in Table 4-2, each pardo and moreno battalion had one commander of the respective phenotype; he was listed as part of the general command staff (plana mayor). Throughout the decade disparity in the size of the pardo and moreno battalions increased, paralleling a trend in the total free black population (see Chapter 2).

	Free Pardos	Free Pardos	
<u>Position</u>	_1st_Comp	2nd Comp	Free Morenos
Captain	1	1	1
Asst. Capt.			1
Lieutenant	1	1	1
2nd Lieut.	1	1	2
1st Serg.	1	1	2
2nd Serg.	2	2	2
1st Corp.	6	6	6
2nd Corp.	5	5	3
Soldiers	98	98	66
TOTAL	115	115	84

Sources: AGI PC 191, 6 November 1793; AGI PC 159-B, 7 November 1793.

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Table 4-2
Organization of Free Black Militias of New Orleans, 1801

		Batt.	of Pard	os	Batt. of	Morenos
Position	<u>Gren</u>	Comp1	Comp2	Comp3	Gren	Comp1
Captain	1	1	1	1	1	1
Lieut.	1	1	1	1	1	1
2nd Lieut.	1	1	1	1	1	1
1st Serg.	1	1	1	1	1	1
2nd Serg.	1	2	2	2	1	2
Drummer	-	-	-	-	1	-
1st Corp.	3	3	4	4	4	5
2nd Corp.	5	3	4	4	3	2
Soldiers	_36	97	94	94	_35	_79
TOTAL	46	106	105	105	45	89

Source: AGI PC 160-A, 1 May 1801.

One of the militia rosters compiled 1 May 1801 recorded returns on age, height, and health. Although there were no data for militiamen dispatched to other areas of the province, absent, or incarcerated, information on a fairly representative sample is presented in Tables 4-3 and 4-4. Because most promotions were based on number of years of service, the positive linear correlation between an increase in age and an advancement in rank is expected. The age range for soldiers indicates that officials were complying with the lower limit (fifteen years) of peacetime militia enlistment specified by regulations, but that they extended the upper age limit (forty-five years) a bit.

Interestingly, height also tended to correspond to rank in a positive relationship. Free pardo and moreno militiamen seem to have been quite tall in comparison with

Table 4-3
Age and Height of the Free Black Militia, New Orleans, 1801

Rank	Average Age	Age Range	Na	Average Height ^b	Nc
PARDOS					
Officers	42.3	26-65	13	5'4"3	13
Noncoms	31.6	22-46	30	5'3"3	30
Soldiers	23.1	15-48	151	5'3"3	84
MORENOS					
Officers	44.4	21-65	7	5'5"2	7
Noncoms	38.5	22-46	18	5'2"5	18
Soldiers	33.8	15-49	59	5'3"3	49

^a Did not include members stationed elsewhere, absent, or incarcerated, for whom no data was provided.

Source: AGI PC 160-A, f. 354-65, 1 May 1801.

Table 4-4 Health of the Free Black Militia, New Orleans, 1801

Rank	Good	Average	<u>Total</u>	% Total in Rank
PARDOS				
Officers	1	3	4	31
Noncoms	16	6	22	54
Soldiers	137	32	169	53
MORENOS				
Officers	1	2	3	43
Noncoms	15	-	15	75
Soldiers	_53	_12	<u>65</u>	57
TOTAL	223	55	278	

Source: AGI PC 160-A, f. 342-53, 1 May 1801.

b Height measured in European feet, inches, and <u>lineas</u>.

Included militiamen age 20 and older; they most likely had reached their final height.

their contemporaries. In his work on the Canary Islanders who immigrated to Louisiana, Gilbert C. Din provides evidence for his assertion that Spaniards, and Europeans in general, were short in stature. Officials hired persons to procure recruits and compensated them according to height of the prospective soldier/immigrant: "15 reales for a recruit 5 feet 1/2 inch tall, 30 reales for a recruit 5 feet 2 inches tall, and 45 reales for one over 5 feet 3 inches tall. The height requirement was similar to the army's."²⁶ One must note, however, that a Spanish pie and a French pied were slightly larger than an English foot.²⁷ The terms defining condition of "robustness" are vague, but they do point to a better-than-average rating for the free black militia.

Defensive Function of the Free Black Militia

The New Orleans free pardo and moreno militias constituted a vital part of Spain's circum-Caribbean defense system, a role the free black community and colonial administrators recognized and rewarded. Independent military units commanded by officers of their own phenotype furnished critical support for free blacks and provided them with their most significant political institution. Military association offered free blacks in New Orleans and throughout the Spanish empire one more instrument through which to advance socially and to voice their claims as

valuable, trustworthy subjects. As Roland C. McConnell so aptly states, "black troops left an enduring legacy to Louisiana," and "in fighting for France, Spain, and the U.S.A., {they} were freedom fighters fighting for themselves."²⁸

This legacy originated in the French regime, when colonial leaders first formed and employed free black troops in the 1735 campaign against the Chickasaw Indians. After organizing a company of forty-five free blacks and slaves with free black officers, Governor Bienville led them into battle. Although their performance was less than heroic, the French must have glimpsed some potential -- especially given the shortage of free white males; French authorities created a company of fifty free black militiamen in 1739. This company battled Amerindians at Fort Assumption into the next year but then dissipated. From 1740 until 1779 free black troops were not employed in active combat.²⁹

The Spaniards, however, recognized the presence of a "ghost" free black militia. Following the Seven Years War and acquisition of Louisiana, the Spanish crown assigned Alejandro O'Reilly to the enormous task of reorganizing defenses in the New World. During the 1760s he "dictated the regulations which came to govern not only the Caribbean, but also Louisiana and the Floridas." Of a total force of 2,056 accompanying O'Reilly on his journey to Louisiana, eighty were from the free pardo and eighty were

from the free moreno militias of Havana. Most of these forces returned to Cuba with O'Reilly in 1770.³¹ Upon arriving in Louisiana O'Reilly demanded oaths of allegiance to His Catholic Majesty, Carlos III, from various corporate groups, one of which was "La Compagnie des Mulâtres et Nègres Libres de cette colonie de la Louisianne."

Thirty-four men signed or placed their mark on this oath.³² O'Reilly also compiled lists of free black males who could be called into military service, and he intended to create a company of free blacks along with the four white militia units that he did form.

Some scholars claim that O'Reilly failed to organize free blacks because their numbers were too few, but the 1770 lists disprove this contention. Perhaps French colonials objected to organizing and arming free blacks — they had previously done so — and O'Reilly decided not to push his reforms too far and fast. 33 Nonetheless, O'Reilly appointed Pedro Simón, a free pardo of New Orleans, captain and commander of the free pardo and moreno militia from the Acadian Coast to Balize on 24 February 1770, just days before he returned to Cuba. 34 Like most colonial authorities in the New World, Spaniards were wary about arming free blacks, but the expanding embroilment of Louisiana in confrontations with France, England, and the United States forced him to this decision. 35

The existence in the 1770s of at least an informal free black militia can be ascertained from various documents. The "Liste de la quantité des naigres libre de la Nouvelle Orléans, 1770" acknowledged Nicolás Bacus, free moreno captain, as compiling it. 36 On 2 November 1772 a notary recorded the emancipation of a black woman and her two-year-old son by Simón Calfat (Calafat, Calfa), pardo libre and commander of the free pardo and moreno militia. 37 Pedro Simón's official command of the free black militia obviously was not of long duration. During the United States War for Independence and into the mid-1780s Calfat headed the companies of free men of color. A common peacetime responsibility for free colored militias throughout Spanish America was the apprehension of runaway slaves. On 15 October 1773 the New Orleans cabildo paid eighteen free black men two pesos each for chasing and capturing cimarrones. The cabildo paid this amount free and clear of what individual masters might pay successful free blacks.38

Governor Gálvez rejuvenated the free black militia in 1778 and dispatched it to battle the British at Baton Rouge (1779), Mobile (1780), and Pensacola (1781). Because several scholars have researched and written on free black armed participation in these campaigns, ³⁹ this chapter will briefly summarize their findings and then concentrate on the relatively neglected role of the free black militia during

the calm of the 1780s and the disturbances of the 1790s. When Gálvez departed New Orleans 27 August 1779 on his way up the Mississippi River to Manchac and Baton Rouge, he took with him 667 men, of whom 80 were free pardo and moreno soldiers and 9 were free black officers. Along the way additional militiamen and Amerindian allies joined him to compose a total force of 1,427. Gálvez's army also included twelve civilian craftsmen; two of these were free blacks (Carlos, a free pardo carpenter and Francisco Fortie, a free moreno gunsmith) and one was a black slave (Antonio, a blacksmith). At Baton Rouge the white and free black militias, along with Amerindians, performed a feinting action and drew fire from the British batteries. This diversion allowed Gálvez to construct his own batteries. Within twenty-four hours the English had surrendered unconditionally, not only Baton Rouge but also Natchez and other river posts.40

Gálvez roundly praised his courageous troops, white and black. He submitted the following names to the crown for appropriate commendations: Simón Calfat, captain of the free pardo and moreno militias, 41 Juan Bautista Hugón (Ogón), pardo lieutenant, and Francisco Dorville, pardo second lieutenant, all men of valor and good conduct; Felippe Rueben, moreno lieutenant and Noël Manuel Carrière, moreno second lieutenant, for sufficient service; and Nicolás Bacus and Luis la Nuit, moreno assistant

second-lieutenants, both of whom had displayed much valor and activity. Gálvez asked that the crown bestow upon these men favors similar to those distributed to militia officers of the same phenotype in Havana and elsewhere. On 12 January 1780 the crown granted Gálvez's request, dispensing ten silver medals of honor to officers of the free black militia for their exemplary battle conduct in the Mississippi River campaigns. In addition, administrators promoted several free black officers. 42

The New Orleans free black militiamen who accompanied Gálvez on his next expedition against Mobile numbered 107, plus officers. Although Simón Calfat was the free black commander and captain of the New Orleans forces, a white officer, Lieutenant Pedro de Marigny, held ultimate command power. Foul weather delayed the expedition, but finally by the end of February 1780 New Orleans forces joined Cuban reinforcements, several of them free blacks, outside Mobile. Once again Gálvez employed free black troops in a feinting action. This tactic eventually succeeded, but the siege was longer and casualties greater than at Baton Rouge. Among those injured was one free moreno. 43 The crown did not commend any free black militiamen for their actions at Mobile; however, it did issue statements of approbation for activities carried out at both Mobile and Pensacola.

Gálvez directed his third and final campaign against the English at Pensacola. He could not launch this

expedition until 23 March 1781 because of a hurricane, but when he did leave New Orleans, he took 271 free black militiamen with him. Most likely many of these free blacks belonged to Havana companies; that, or the Spaniards in New Orleans had done some fancy recruiting. By 10 April 1781 the British surrendered West Florida to Spain, and Gálvez's troops returned victorious to New Orleans. Gálvez again requested, and the crown granted, rewards for officers of the free black militia. From Pensacola on 26 May 1781 Gálvez forwarded the names of Simón Calfat, who had commanded the Louisiana free black militias in all three expeditions and witnessed the death of one son and the wounding of another at Mobile, for a pension; Carlos Calfat, pardo second lieutenant, who had been injured while performing meritorious service at Mobile, for a medal; and Pedro Tomás, moreno lieutenant, who had displayed courage in the Pensacola attack, for a medal. Eventually the crown conferred a pension of 240 pesos on Simón Calfat, a salary that ceased at his death in September 1786 and could not be granted to his successor. The king also awarded distinctive medals of honor to Carlos Calfat and Tomás, medals of honor and bonuses of 300 pesos each to moreno lieutenant Carrière and pardo lieutenants Hugón and Dorville, and a medal of honor and bonus of 250 pesos to pardo second lieutenant Nicolás Bacus Boisclair for their valiant conduct at Mobile and Pensacola.44

On 15 February 1781 Gálvez relinquished his position as colonel of the Louisiana Infantry Regiment in order to seek promotion to field marshal of the royal armies. He concurrently was named captain-general of Louisiana and West Florida, and Louisiana was designated a government separate from Cuba. Gálvez served as governor of Cuba until 1785, when the crown appointed him viceroy of New Spain. He died on 30 November 1786 in Mexico City. In March 1787 the Militia Corps of Free Morenos and Pardos addressed a letter to José de Gálvez, uncle of Bernardo and minister of the Indies, expressing their concern and sympathy upon the death of their former leader. They proclaimed Gálvez their venerated protector and emphasized how deeply his sudden death pained them. Nothing could equal the love and gratitude in their hearts that his beneficent relationship had nurtured.45

From 1782 to 1791 Esteban Miró governed Louisiana, and during that period the free black militia did not engage in active combat with a foreign enemy. It did, however, participate in expeditions against runaway slaves, repair breaks in the levee, and fight the fires that plagued New Orleans, in particular the "Great Conflagration of 1788." The lack of rosters for this decade probably indicated that the free black militia did not meet very regularly or in an organized form. Nevertheless, Miró promoted Juan Bautistia Mentzinger, a white militiaman, to the post of Sargento

Primero, Garzón de los Pardos y Morenos Libres in 1784, a position he held until 1789. Mentzinger was to instruct the free militia of color in matters of discipline and military preparedness. 46 Because these militiamen were already organized on a military basis, colonial administrators called on them in emergency situations.

In 1782 and 1784 Miró employed free black militia members to hunt runaway slaves in the swamps and bayous, a task for which he and Carondelet considered them well-suited because of their familiarity with the terrain. The free moreno captain Carrière, along with his moreno lieutenant Tomás and pardo sergeant Juan Medes, led a detachment of seven free pardos and seven free morenos in search of cimarrones for two and a half days. The cabildo paid them thirty-five pesos five reales for their efforts. Apparently the cabildo surrendered these funds reluctantly; seven months after the first promise of funds, Carrière again appealed for payment. 47 For this expedition and the one of 1784 the governor combined free pardos and morenos in one unit, and interestingly appointed two free morenos to the highest positions even though whites usually ranked light-skinned before dark-skinned blacks.

Lieutenant Colonel Francisco Bouligny commanded the 1784 expedition against the infamous San Malo band, whose exploits and eventual capture have been detailed by Din. 48 Cimarrón gangs consistently menaced Louisiana settlements,

but the San Malo band's power posed a serious threat to racial control in the countryside and towns. In addition to veteran troops and white militias, Bouligny utilized one detachment of free pardo volunteers, a combined detachment of free pardos and black slaves, and three free black militia detachments led by Carrière, Dorville, and Bacus. According to the expedition's payroll, free black lieutenants earned one peso per day, sergeants six reales, and soldiers and quides four reales. These daily rates were equal for pardo and moreno units; white soldiers earned the same pay, but white sergeants and officers were paid higher wages. Although Bouligny complained that his small force of free pardos and morenos offered a meager challenge to the growing numbers of cimarrones and that some of them engaged in commerce with the runaways, he and his men disrupted the band, captured fifty of its members, and brought to execution four of the ringleaders. 49

When natural disasters struck New Orleans, civil leaders called upon members of the free black militia for assistance. The fire that swept through most of the city on 21 March 1788 occasioned the use of all available men to rescue persons and property and bring the blaze under control. Once property damage was assessed, free blacks along with their white neighbors petitioned the crown for indemnification for their losses. Included in these petitioners were Josef Duplessis, Josef Favrot, and Carlos

Brulé, free pardo militiamen who claimed 500, 307, and 2,850 pesos respectively in losses; pardo sergeant Pedro Bailly, who lost 2,615 pesos in buildings and assets; and the officers Tomás, Carrière, and Dorville, who lost 500, 2,500, and 3,000 pesos respectively.⁵⁰

Breaks in the levee also occurred frequently, and many free black militiamen worked to repair them. In the spring of 1790 the cabildo issued a proclamation announcing the demand for free black and slave workers to repair recent ruptures in the river banks that threatened New Orleans and surrounding plantations. The city council offered to pay free black laborers and to rent slaves at the daily wage of three reales. Due to revenue shortfalls caused by the 1788 fire, hurricanes, and additional levee inundations, the cabildo implored city residents to contribute funds to pay the workers. According to McConnell, "ninety-one free men of color -- forty-two morenos, forty-five pardos, and four officers -- responded for crevasse work," and "each group worked for a month or more."

During the 1780s free black militiamen endeavored to free one of their members from captivity through legal channels. After capturing the free moreno soldier Juan Gros in the Mobile campaign of 1780, the British sold him to a wealthy Amerindian named Enexaqui. The 1770 "Etat des mulâtres et nègres libres" identified Gros as being thirtyfour years old and living below New Orleans at Tour des

Anglois (English Turn); he most likely participated in the Mississippi River campaigns prior to Mobile. Enexagui removed Gros to the village of Mecsugue. Over a nine-year interval Enexagui came to regard Gros with much affection and expressed reluctance to part with him. Upon solicitation by the officers of the free pardo and moreno militias of New Orleans, who stressed Gros' valor and service to the king, the Spanish government attempted to ransom Gros. After much wrangling Enexaqui agreed to part with Gros for 177 pesos, payable in goods through the Panton and Leslie company store. Enexagui subsequently withdrew his offer, but with additional convincing and the temptation of hard cash, he acquiesced. 53 Once again listed as a soldier in the 1793 roster of the company of free morenos, Gros did not appear in the 1801 rosters, due either to death or old age. 54

When Carondelet replaced Miró as governor in 1791, one of his primary goals was to reorganize and strengthen Louisiana's defenses. In the early 1790s Spain found itself in the unenviable position of mediator between France and England, and on 21 January 1793 Spain declared war on France in response to the execution of Louis XVI. 55 As a former French colony and a neighbor of the pro-Enlightenment, expansionist United States, Louisiana faced potential invasion by one or both powers either by land or by sea. Impending war worried Spanish colonial administrators;

Louisiana's primary role within the empire was as a defensive bulwark to New Spain. In addition, a combined French and United States invasionary force preaching liberty, equality, and fraternity stood a good chance of success in Louisiana due to the pro-French sentiments espoused by many colonists and due to the growing numbers of American immigrant settlers and merchants. Fear of internal insurrection also plagued Spanish leaders, once again because of favorable opinions of French and United States revolutionary ideals that were exacerbated by wartime economic disruptions.

According to Ernest R. Liljegren, most of the colony was ready and eager to rally behind the French republican flag. His account, however, appears exaggerated. 56 Several colonists who settled during the French period naturally hoped to reunite Louisiana with the French empire; a change in government logically seemed to enhance that possibility. These individuals, however, rarely, if ever, expressed a desire to create an independent republic. Liljegren himself points out that the prospect of a massive slave uprising modeled on that occurring in Saint-Domingue raised the apprehensions of white colonials in Louisiana and throughout the Americas. This dread discouraged much revolutionary activity. During the 1790s the actions of free blacks came under even closer scrutiny, as the racial warfare sweeping Saint-Domingue exacerbated always present anxieties about

sympathetic collusion between slaves and free blacks.⁵⁷
Overall, colonists expressed discontent more with Spain's
economic policies than with its philosophy of government.
Even Liljegren admits that in New Orleans "most of the
inhabitants were well disposed toward the government and
took an active part in the preparations for its defense."⁵⁸

One group in particular drilled regularly in order to defend New Orleans and Louisiana in the event of an invasion: the free black militia. Upon assuming the governorship, Carondelet vowed to increase military potential and at the same time decrease expenses. Not only were militias more economical, they were also more adept at traversing local terrain than were veteran troops. To this end Carondelet reorganized and expanded the militias. including those of free blacks. As mentioned previously, Carondelet on 3 July 1791 created a second company of free pardos and added to the number of corporals in each company. During the 1790s promotions occurred rapidly, enhancing the loyalty of free black militiamen to the Spanish government. Carondelet stationed free black troops at the recently erected fortifications surrounding New Orleans. Late in 1793 he also dispatched members of the free pardo and moreno militia to reinforce Fort San Felipe de Placaminos, where they guarded the colony against an anticipated French invasion from the Gulf of Mexico. 59

Most members of the free black militia remained loyal to Spain throughout the 1790s and into the 1800s, when Spain transferred Louisiana to France and France to the United States. For his particular merit at Fort San Felipe de Placaminos and his constant zeal, activity, and love of royal service, free moreno captain Noël Carrière received a commendation from the crown. 60 In 1801 he held the honorable position of Commander of the Battalion of Free Morenos of New Orleans and formed part of the general command staff. 61

Carrière and other free black militiamen engaged in active combat once more on behalf of the Spanish government during the attack on Fort San Marcos de Apalache, a Panton and Leslie trading post, in June 1800. Responding to the American adventurer William A. Bowles' capture of the fort, the Spaniards sent Vicente Folch, commander of Pensacola, to recapture it. The expedition was successful but expensive; part of the 20,000 pesos spent went to provision and pay free black troops from New Orleans. 62 Promotions and new commissions abounded in 1801, when Governor Casa Calvo once again reorganized the free black militia into four companies of free pardos and two companies of free morenos. 63 In addition, regulations decreed in 1801 (see Appendix B) firmly established the rights, responsibilities, and privileges accorded free black militiamen.

Economic and Social Role of the Free Militia of Color

The free black militia in New Orleans functioned as a corporate group in society, and as such, it wielded its organized strength on behalf of all free persons of color. In addition, individual members, especially officers. utilized their titles, reputations as loyal, honorable vecinos, and patronage from leading whites, many of them military members themselves, to attain increased material and social influence. The title that accompanied promotion in rank conferred upon the holder recognition from a white community that honored and valued military service. Officers of the free black militia also often functioned as leaders among free persons of color, and they prominently placed their titles on public documents. 64 For example, in the 1795 census of New Orleans Francisco Dorville identified his occupation as "capitaine des mulâtres libres," even though he more fully devoted his time to running a tavern and selling goods in New Orleans and Natchitoches. 65

As was the case throughout Spanish America, many free black officers were artisans and skilled laborers. 66 Some skilled persons holding rank in the militia have already been identified in Chapter 3. Others included Carlos Brulé, a free pardo carpenter, who in 1795 possessed three slaves and in 1801 held the rank of captain, and Vicente Cupidón, a mason and lieutenant in the free moreno militia. 67 The free pardo butcher Carlos Montreuil owned two slaves and served

as a first corporal. Montreuil's daughter Agata married Juan Francisco Dutreuille, a pardo soldier. 68 Appointed commander of the battalion of morenos libre in 1801, Manuel Noël Carrière plied his trade as a cooper and in 1795 owned five slaves. 69 Cupidón Caresse, a moreno sergeant in 1779, hunted to earn his keep; in 1795 he owned five slaves who also helped support him. 70 The free black officers Carlos Navarro and Vicente Populus both labored as shoemakers, and Pedro Bailly, Gabriel Gerónimo, and Agustín Malet all resided in the Faubourg Sainte Marie, where in 1798 they sold wood and owned a total of twenty slaves. 71

Other free officers of color owned and worked plantations or farms. Commander of the free pardo and moreno miltia in the 1770s and 1780s, Simón Calfat lived on his large plantation located twelve leagues upriver from New Orleans but was still considered a vecino of New Orleans. 72 In 1785 Nicolás Bacus and his son Juan Bautista Bacus, both rice and sugar farmers in Tchoupitoulas (about two leagues upriver from New Orleans), sued Doña Mariana Bergeron, viuda Bienvenu, for the cost of damages caused by her slaves. The slaves were hunting rabbits by setting fire to the fields, and when the fire spread out of control it destroyed both free blacks' houses, fences surrounding their property, and 320 barrels of rice. Nicolás had been promoted from second to first lieutenant of the free morenos in 1781; by 1791

Nicolás served as a captain and Juan Bautista as a second lieutenant. 73

In some respects, however, militia service imposed a substantial burden on many free black soldiers and even officers. Pay rates while on active duty were in many cases lower than what free blacks earned as civilians, and weekly drills consumed a large part of their free time with no monetary compensation. The cabildo usually paid free black militia members at the same daily rate they paid white militiamen: one peso for officers, six reales for noncoms, and four reales for soldiers. 74 In addition military expeditions pulled free men of color away from their homes and families and exposed them to danger, hunger, exhaustion, and miserable weather. Upon returning from Fort San Marcos de Apalache in 1800, free black officers complained to the cabildo about changes in climate and food, "mosquitoes, night-dew, humidity, and many other dangerous inconveniences . . . which they {had} suffered."75 In a separate case a free black soldier named Carlos Meunier, whose father's estate was suing him for collection of a debt, replied that he had lost what little he had in the Apalache expedition and was in a state of poverty. 76

Despite these drawbacks, militia membership tended to promote group cohesiveness and identity among free persons of color. Free black militiamen, most notably officers, married each other's daughters and sisters and loaned money

and provided other types of assistance to each other. As pointed out above, officers commonly practiced lucrative trades and thus more likely possessed the means to aid a fellow militia members than did the rank and file. For example, in 1803 Pedro Bailly, a former free pardo officer, stood as guarantor of a slave purchase that Luis Dusuau, a free pardo sergeant, made at a public auction. The free pardo corporal Carlos Montreuil did the same for Pablo Cheval, a free pardo soldado. 77 In 1783 Don Pedro Joseph Favrot freed his pardo slave named Joseph, twenty-four years old, for 800 pesos. Joseph had paid 500 of the 800, and Francisco Dorville agreed to pay Favrot the remaining 300 within four months. By the 1790s Joseph Fayrot served as a corporal in the free pardo militia, a position Captain Dorville most likely helped him to attain. 78 In turn, Dorville in 1791 borrowed 400 pesos from a captain of the free moreno militia, Manuel Noël Carrière. Dorville guaranteed the sum with one of his slaves and used the money to purchase goods that he retailed in Natchitoches. 79

Members of the free black militia also served as godparents for the children of other militiamen of color and witnessed each other's weddings. In 1771 Luis la Nuit, a signer of the 1769 oath of allegiance and by 1779 a free moreno second lieutenant, stood as godfather to Luis Calfat, the free pardo son of Ana Marta Simón and Simón Calfat. Luis Calfat followed his father, godfather, and brother

Pedro into militia service; by 1792 he was a corporal first-class in the free pardo unit. 80 When Carlos Brulé married María Constancia in 1777, Francisco Dorville witnessed the event, along with Ramón Gaillard, a white man who lived with a free parda. 81 Gaillard's cuarterón sons joined the free pardo militia at a later date.

In fact, the sons of officers frequently followed their fathers' example and rose through the ranks to officer status. The Calfat family above offers one example. Others included the Bacus, Hugón, Tomás, and Carrière families. In the 1790s Nicolás Bacus, a captain of the free morenos, had six sons who were officers or noncoms: Juan Bautista (second lieutenant), Colas (officer of second company), Luis (sergeant), and Zenón, Honoré, and Nicolás (all corporals).82 The pardo captain Juan Bautista Hugón died in 1792 after twenty-three years of service in the Spanish militia; his only son, twenty-five-year-old Enrique, was listed as a corporal second-class in the 1801 rosters.83 The 1801 rosters also indicated that Pedro Tomás served as a captain of the free morenos, his son Luis as a lieutenant. and his other son Felipe Pedro as a corporal second-class. In addition, Manuel Noël Carrière commanded the battalion of free morenos, while his son served as second lieutenant of the first company.84 Loyalty, dedication, and bravery on the part of the father probably influenced royal decisions to promote his offspring. Also, a son who witnessed his

father rewarded with titles, prestige, patronage, and community recognition most likely regarded militia service as a positive experience.

Marriages between free blacks often forged or reinforced kin and friendship bonds of free black militiamen. In 1778 the pardo libre Pedro Bailly married Naneta Manuela Carrière, alias Cádiz, a parda libre born of a morena libre named Francisca Montreuil. Over the next fifteen years Bailly rose from militia sergeant to lieutenant and lived into the American period. Before Naneta died in 1800 she bore two daughters and one son; young Pedro also joined the free pardo militia. Naneta's brother, Carlos Montreuil, served as a corporal in the militia, and her sister María Genoveva married Gabriel Gerónimo, a free pardo officer. 85 In 1778 Manuel Noël Carrière, then a free moreno second lieutenant, married Mariana Teresa Pier Tomás, the free morena daughter of María Juana and Pedro Tomás, another longtime officer of the moreno militia.86 The pardo libre Benjamín Daigle, a native of London and most recently from Canada, wed María Teresa Mallet, parda libre, in 1802. He was a miliciano, and she was the legitimate daughter of the free pardos Jasinta Demasilier and Agustín Mallet, a wood vendor and sergeant. 87 Francisco Alexandro Colombé, cuarterón libre, and María Caterina LaCombe, parda libre, baptized their son Joseph in 1778. The child's godparents were María's sister

Margarita LaCombe and brother-in-law Joseph Casenave, whose militia service dated from French rule. María's male relatives also boasted long service records. After María died in 1789, Colombé married Henriqueta Toutant, natural parda daughter of the morena libre Margarita Toutant and Don Bartolomé Toutant Beauregard, a white militia officer.88

Some free black militiamen wrote wills that reveal property accumulation over a lifetime and the struggle to improve the next generation's economic and social standing; they also point to strong friendship and kinship ties among free black militiamen. When Joseph Casenave wrote his will in 1779, he left half of his goods to his legitimate wife, Margarita LaCombe, parda daughter of Joseph LaCombe, another signer of the 1769 oath of allegiance. The other half he left to his two natural sons, Pedro and Carlos, both pardos libres. Casenave's property included two slaves and four arpents of land in Tchoupitoulas. 89 Apparently in the years following 1779 Casenave had more natural children and amended his will accordingly. Carlos Casenave, who was a miliciano when he died in 1800 at age thirty-six, noted in his will that his father's estate had totaled 4,291 pesos. Part of this went to Joseph Casenave's natural children by Carlota Bacus, morena libre, and part to Carlos, Pedro, and José, whose mother was the morena libre Magdalena Bauré. Carlos' brothers Pedro and José Casenave also were milicianos in the free pardo militia, and all three of them

owned land and slaves jointly. Carlos himself possessed three arpents of land with a house, warehouse, and mill, two slaves, three horses, and twelve cows, all of which he left to his natural son, also named Carlos. He owed money to Nicolás Bacus, Sr., a retired moreno officer, and to Luis Durand, a pardo corporal first-class. 90

Militia ties, material wealth, and concern for the welfare of offspring are also discerned in Juan Bautista Hugón's will. 91 Gálvez appointed Hugón lieutenant of the free pardo militia in 1779, and he was a captain when he died in 1792. His sister was Ana Marta Simón, widow of Simón Calfat, commander of the free black militia; she named Hugón as her testamentary executor when she died in 1791. During his lifetime Hugón purchased the freedom of four out of five of his children and at least one of their mothers. At the time of his death, Hugón's goods consisted of a house and land on Calle de Santa Ana in New Orleans, one slave, furniture, and clothes. Among his creditors were Carlos Brulé and Ramón Gaillard, both free pardo militia members. Another militiaman, the moreno captain Manuel Noël Carrière, served as testamentary executor, whom Hugón instructed to purchase his fifth child's carta de libertad. After paying for the carta, outstanding debts, and burial and court costs, Carrière turned over 227 pesos 5 reales to Hugón's children.

As an organized body, the free militia of color utilized its collective voice to request privileges that might have been denied individuals. It also called upon its reputation as a loyal, honorable servant of the king to assure local authorities that their decision would not be regretted. Like most New Orleanians, free blacks liked to dance. When large numbers of them flocked to public dances, however, local authorities fretted about problems of social control and illegal admittance of slaves. Free persons of color thus had to petition the cabildo for permission to hold dances. In many cases the cabildo rejected these petitions, but when the free black militia, represented by four officers, submitted its request in 1800, the cabildo approved it.

The militia had just returned from an exhaustive but victorious expedition against William Bowles at Fort San Marcos de Apalache, and its spokesmen requested a reward in the form of weekly dances conducted at the house of Don Bernardo Coquet. In order not to interfere with the white dances that took place on Sundays, free persons of color offered to hold their dance on Saturdays, from November through the end of the coming carnival season. Well aware that while they were away at Apalache some unsavory characters had soiled the reputation of free black balls, the petitioners asked that city police forces patrol Coquet's house on Saturday nights to prevent any

disturbances. Previous mischievous behavior included provoking arguments, chewing vanilla and spitting it to produce an intolerable odor, placing chewing tobacco on women's seats to stain their skirts, and "finally, doing and inventing as many evil things as can be imagined." The petitioners promised to reward the sergeant in charge for maintaining discipline. In closing, they noted that throughout the kingdoms of the Americas, as well as of Europe, the carnival season permitted these types of diversions. Not only did the cabildo grant the request, that body renewed it again the following year, despite strong protest by the sindico procurador general. 92

Conclusion

During the waning years of Spanish rule in Louisiana colonial administrators augmented the size and status of the free pardo and moreno battalions, and the free blacks of New Orleans did not surrender their militia rights without a struggle. Militia officers often functioned as community leaders, and all these factors combined to produce an influential free black group that aspired to attain a high social position in New Orleans. Thus, when the United States assumed control of Louisiana in 1803 and attempted to shed the free black militia of its distinctive status and even threatened to disband it, free black leaders protested. Proud of their heritage and determined to preserve it, the

militiamen petitioned the United States territorial government, citing their right as free citizens to maintain a military organization. Under United States rule the free black militia remained intact but lost some of its prestige. 93

Militia service provided free blacks in New Orleans and throughout Spanish America with an important instrument for political expression as a corporate body, an avenue for social advancement, and a means by which to gain honor, prestige, and recognition. Despite the obvious disadvantages created by prejudice and economic sacrifice, "the free colored community ultimately supported their militia units and their right to bear arms as a fundamental right of citizenship."94 The second half of the eighteenth century constituted a period of extensive, momentous transformations occasioned by crown policy, demographic conditions, and metropolitan and provincial military disturbances. It was during this era that free blacks advanced their position through the militia: colonial administrators depended on free blacks to defend their provinces, and free people of color took advantage of the situation. Military, economic, and social advancement appeared to have coincided in Spanish New Orleans, for the free black as well as the white population.

Notes

lMcConnell, Negro Troops, pp. 24-25. The author
states that Governor Carondelet expressed a preference for
militia forces "because of their dexterity in traversing the
swamps and their skill in the use of muskets." In a 1792
report Carondelet stated that "the colored people served
during the last year with much valor" and that during
peacetime "they are the ones used in pursuing runaway
Negroes (slaves) and destroying their hideouts" which were
built "in places too impenetrable for regular troops."

²Studies of the free black militia in Spanish America include: Christon I. Archer, <u>The Army of Bourboon Mexico.</u> 1760-1810 (Albuquerque: The University of New Mexico Press, 1977); Leon Campbell, "The Changing Racial and Administrative Structure of the Peruvian Military Under the Late Bourbons," <u>Americas</u> 32 (July 1975): 117-133; Klein, "The Colored Militia of Cuba: 1568-1868," <u>Caribbean Studies</u> 6 (July 1966): 17-27; Allan J. Kuethe, <u>Military Reform and Society in New Granada, 1773-1808</u> (Galnesville: The University Presses of Florida, 1978): Kuethe, "The Status of the Free Pardo in the Disciplined Militia of New Granada," <u>Journal of Negro History</u> 56 (April 1971): 105-17; Lyle N. McAlister, <u>The "Fuero Militar" in New Spain.</u> 1764-1800 (Gainesville: The University Presses of Florida, 1957); McAlister, "The Reorganization of the Army of New Spain, 1763-1767," <u>Hispanic American Historical Review</u> 33:1 (February 1953): 1-32.

 3 Campbell, "Changing Racial and Administrative Structure," pp. 118-19.

⁴McConnell, <u>Negro Troops</u>, pp. 24-25. For Saint-Domingue Geggus remarks that "the white colonists were to regret this military education {acquired in the United States War for Independence} given to such naturally gifted soldiers" (<u>Slavery</u>, War, and Revolution, p. 22).

⁵Kuethe, "Status of the Free Pardo," p. 117.

⁶For further discussion of the fuero militar see Campbell, "Changing Racial and Administrative Structure," pp. 118-19; Jack D. L. Holmes, Honor and Fidelity: The Louisiana Infantry Regiment and the Louisiana Militia Companies, 1766-1821 (Birmingham: The Author, 1965), p. 76; Klein, African Slavery, p. 232; Kuethe, Military Reform and Society, p. 30; McAlister, "Reorganization of the Army," pp. 25-27.

7Kuethe, "Status of the Free Pardo," pp. 109.

⁸Klein, "The Colored Militia of Cuba," pp. 17-18; Kuethe, "Status of the Free Pardo," pp. 105-17. For a practical application see regulations in Appendix B.

⁹Campbell, "Changing Racial and Administrative Structure," pp. 127-31; Keuthe, <u>Military Reform and Society</u>, p. 28; McAlister, "Reorganization of the Army," pp. 6, 14, 20-27.

10 Holmes, Honor and Fidelity, p.55.

11AGI PC 182-A, 16 January 1783; AGI SD 2568, 21
August 1797; AGI PC 160-A, 1 May 1801; AGI PC 203, 7 July
1788.

¹²Campbell, though, finds that in Peru pardos were considered more loyal than mestizos. For information on social prejudice see Klein, "The Colored Militia of Cuba," p. 25 and Kuethe, "Status of the Free Pardo," pp. 112-15.

13Klein, African Slavery, p. 232; Klein, "The Colored Militia of Cuba," pp. 22, 24-27; Kuethe, "Status of the Free Pardo," pp. 110-13; McAlister, "Reorganization of the Army," p. 27; McConnell, "Louisiana's Black Military History, 1729-1865," in Louisiana's Black Heritage, ed. Haas, pp. 39-41.

 $^{14} \rm AGI$ PC 193-A, September 1779; AGS GM 6912, 16 October 1779; AGI PC 160-A, 1 May 1801.

¹⁵Censo de Nueva Orleans del mes de junio de 1778, AGI PC 191; Flannery, comp., <u>New Orleans in 1805</u>.

16Sterkx, Free Negro, p. 33.

¹⁷AGI PC 188-A, 22 February 1770.

¹⁸Censo de Nueva Orleans del mes de junio de 1778, AGI PC 191; AGI PC 1425, 1788; AGI PC 2362, 1791; Acosta Rodríguez, <u>La población de Luisiana española</u>, pp. 51, 121, 354, 387.

¹⁹AGI PC 193-A, September 1779.

²⁰AGS GM 6912, 16 October 1779.

21AGI PC 2351, 11 January 1780; AGS GM 6912, 14
March 1780; Holmes, Honor and Fidelity, p. 33.

²²AGI PC 159-A, 3 July 1791.

 $$^{23}\rm{AGS}$ GM 6912, 12 January 1780; AGI PC 182-A, 16 January 1783; AGI PC 159-A, 3 July 1791; AGI PC 160-A, 1 May 1801.

 $$^{24}\rm{AGI}$ PC 182-B, 12 January 1780; AGI PC 159-A, 3 July 1791; AGI PC 160-A, 1 May 1801; Holmes, Honor and Fidelity, p. 255.

25AGI PC 188-A, 1779; AGI PC 184-B, 26 March 1781; AGI PC 159-A, 3 July 1791; Letter from the Free Black Militia to the Cabildo, 24 October 1800, PDLC, book 4088, document 367.

²⁶Gilbert C. Din, <u>The Canary Islanders of Louisiana</u> (Baton Rouge: LSU Press, 1988), p. 16.

²⁷This measure was in French feet, which were slightly longer than English feet. One French pied equaled 12.8 English inches (Helmut Blume, <u>The German Coast During the Colonial Era, 1722-1803</u> (Destrehan, LA: The German-Acadian Coast Historical and Genealogical Society, 1990), p. 160).

28McConnell, "Louisiana's Black Military History," p.
32.

²⁹For more information about the militia during the French period see McConnell, "Louisiana's Black Military History," pp. 32-35 and McConnell, Negro Troops, pp. 3-14.

30 Holmes, Honor and Fidelity, p. 10.

31AGI SD 2656, April 1769.

 $^{32}\mathrm{Oath}$ of Allegiance Given by Company of Free Pardos and Morenos, SJR, 20 September 1769.

33Brasseaux, <u>Denis-Nicolas Foucault</u>, pp. 75-90; McConnell, <u>Negro Troops</u>, pp. 8-11, 16.

34Holmes, A Guide, p. 6.

35Holmes, <u>Honor and Fidelity</u>, pp. 47, 67; McConnell, <u>Negro Troops</u>, p. 24.

³⁶AGI PC 188-A, 22 February 1770.

 $$^{37}\mbox{Acts}$ of Almonester y Roxas, f. 287, 2 November 1772.

³⁸RDC, vol. 1, 15 October 1773.

³⁹Holmes, <u>Honor and Fidelity</u>, pp. 29-36, 54-55; McConnell, <u>Negro Troops</u>, pp. 17-22.

40 AGI PC 603-A, 28 August and 28 September 1779; AGS 6M 6912, 16 October 1779; Holmes, Honor and Fidelity, pp. 30-31; McConnell, Negro Troops, pp. 17-19; W. James Miller, "The Militia System of Spanish Louisiana, 1769-1783," in The Military Presence on the Gulf Coast, edited by William S. Coker (Pensacola, Fl, 1975), pp. 46-50. Miller only fleetingly mentions that eighty free pardos and morenos accompanied Gálvez with no other references to free black troops.

41In Negro Troops McConnell states that Calfat was a white man (p. 18). Primary documents, however, convincingly indicate that Calfat was a free black man. For example, when he emancipated his black slave Gabriela and her son, Calfat was listed as a pardo libre and "comandante de las milicias pardas de esta provincia" (Acts of Almonester y Roxas, f. 287, 2 November 1772). In addition, Calfat's predecesor, Pedro Simón, was also a free pardo.

⁴²AGI PC 193-A, September 1779; AGS GM 6912, 21 October 1779, 12 January 1780, and 13 February 1780; AGI PC 182-B, 12 January, 20 July, and 22 July 1780.

⁴³AGI PC 2351, 2 January, 11 January, and 20 March 1780; AGS GM 6912, 14 March 1780; Holmes, <u>Honor and Fidelity</u>, pp. 31-33; McConnell, <u>Negro Troops</u>, pp. 19-20.

44AGS GM 6913, 26 May and 18 August 1781; AGI PC 182-A, 9 August 1781; AGI SD 2548, 18 January 1782; Interment of Simón Calpha, <u>Sacramental Records</u>, vol. 4, p. 46 15 September 1786; Holmes, <u>Honor and Fidelity</u>, pp. 33-36; McConnell, <u>Negro Troops</u>, pp. 20-22.

⁴⁵AGI SD 2657, March 1787; Holmes, <u>Honor and Fidelity</u>, pp. 23-36.

⁴⁶AGI PC 159-A, August 1784; AGI SD 2553, 12 June 1789. More information of Mentzinger and his family is provided in Chapter 5.

⁴⁷Kuntz Collection, Spanish Colonial Period, 15 February 1782, HTML; RDC, vol. 2, 15 February and 20 September 1782.

⁴⁸Din, "San Malo Band," pp. 237-62.

 $^{\rm 49}{\rm RDC},$ vol. 2, 28 May and 4 June 1784; Charles C. Thompson Collection, box 2, folder 9, 1784, LLMVC; Din,

"San Malo Band," pp. 237-62; McConnell, Negro Troops, pp. 22-23.

 $^{50}\mathrm{AGI}$ PC 201, 24 March 1788; AGI SD 2576, 30 September 1788.

51RDC, vol. 3, no. 2, May 1790.

52McConnell, Negro Troops, p. 23.

⁵³AGI PC 188-A, 22 February 1770; AGI SD 2553, 28 May 1789; AGI PC 184-A, 24 November 1789; AGI PC 196, 10 September 1789; AGI PC 202, 19 March 1791.

⁵⁴AGI PC 159-B, 7 November 1793.

⁵⁵The subject of the French and Saint-Domingue Revolutions and their impact on free blacks in Louisiana is discussed in greater detail in Chapter 7.

⁵⁶Ernest R. Liljegren, "Jacobinism in Spanish Louisiana, 1792-1797," <u>LHQ</u>, 22:1 (January 1939): 47-97. Liljegren's account is very pro-French; he uses evidence from Carondelet's correspondence to support his contentions, but admits that Carondelet was prone to exaggeration.

 $^{57} \rm{Klein}, ~ \underline{\rm{African~Slavery}}, ~ \rm{pp.~217-42}; ~ \rm{Liljegren}, ~ \rm{"Jacobinism~in~Spanish~Louisiana,"~p.~58}.$

 $$^{58}\mathtt{Liljegren},$ "Jacobinism in Spanish Louisiana," pp. 59, 60.

⁵⁹AGI PC 159-B, 7 November 1793; AGI PC 191, 6 November 1793; Holmes, <u>Honor and Fidelity</u>, pp. 45-51, 53-58, 60; McConnell, <u>Negro Troops</u>, pp. 24-47.

⁶⁰AGI PC 23, 13 February 1796.

61AGI PC 160-A, 1 May 1801.

⁶²AGI SD 2617, 22 June 1800; Letter from the Free Black Militia to the Cabildo, PDLC, book 4088, doc. 367, 24 October 1800; Holmes, <u>Honor and Fidelity</u>, p. 72; McConnell, "Louisiana's Black Military History," p. 37.

63AGI PC 160-A, 1 May 1801.

⁶⁴Refer to Acts of Almonester y Roxas, f. 287, 2 November 1772; Acts of F. Broutin, no. 30, f. 143, 14 June 1794; Court Proceedings of N. Broutin, no. 53, f. 225-98; Acts of Mazange, no. 6, f. 644, 6 July 1782; Acts of Ximénez, no. 2, f. 137, 26 March 1792 and no. 9, f. 1, 1 January 1795.

 $^{65}\mbox{City Treasury Accounts for 1787, RDC, vol. 3, no. 2; 1795 Census.$

66Bowser, "Colonial Spanish America," pp. 46, 52, 58.

⁶⁷1795 Census; AGI PC 160-A, 1 May 1801.

681795 Census; AGI PC 160-A, 1 May 1801; Court Proceedings of N. Broutin, no. 61, f. 380-85, 20 December 1804.

⁶⁹1795 Census; AGI PC 160-A, 1 May 1801.

⁷⁰AGI PC 188-A, 1779; 1795 Census.

71The 1795 Census and the Recensement du Faux-bourg Ste Marie pour l'anée 1798, AGI PC 215-A indicated the occupation and number of slaves owned by these men. Their ranks in the militia were as follows: Populus=captain of the third company of pardos (AGI PC 160-A, 1 May 1801); Navarro=second lieutenant of the milicias de color, promoted from sergeant (AGI PC 182-B, 1 September 1783); Bailly=pardo lieutenant (AGI PC 159-B, 6 November 1792); Gerónimo=second lieutenant of second company of pardos and Mallet=lieutenant of first company of pardos (AGI PC 160-A, 1 May 1801).

 $$^{72}\mathrm{Court}$$ Proceedings of Estevan de Quiñones, no. 1, f. 87-103, 8 February 1779.

⁷³AGI PC 182-B, 31 July 1781; Nicolás Bacus y Juan Bautista, negros libres v. Mme Guillome, 20 January 1785, SJR; AGI PC 159-B, 7 November 1793.

 $^{74}{\rm Kuntz}$ Collection, Spanish Colonial Period, 15 February 1782, HTML; Charles C. Thompson Collection, box 2, folder 9, 1784, LLMVC.

 $75Letter from the Free Black Militia to the Cabildo, PDLC, book 4088, doc. 367, 24 October 1800.$

76Court Proceedings of N. Broutin, no. 48, f. 319-37,
6 August 1801.

 $^{77} \rm AGI$ PC 160-A, 1 May 1801; Acts of N. Broutin, no. 5, f. 219, 5 May 1803 and f. 425, 31 August 1803.

 $^{78} \rm Acts$ of Rodríguez, no. 7(2), f. 756, 16 August 1783 and f. 767, 27 August 1783; AGI PC 204, {early 1790s}.

⁷⁹Acts of F. Broutin, no. 7, f. 202, 18 April 1791.

80Baptism of Luis Calfat, <u>Sacramental Records</u>, vol. 2, p. 39, 30 May 1771; AGI PC 159-B, 6 November 1792.

81Marriage of Carlos Brulé and María Constancia, <u>Sacramental Records</u>, vol. 3, p. 38, 10 May 1777; Censo de Nueva Orleans del mes de Junio 1778, AGI PC 191.

 $^{82}\mathrm{AGI}$ PC 159-B, 7 November 1793; AGI PC 206, 17 January 1797.

83Autos hechos por fin y muerte de Juan Bta Hugón, SJR, 8 August 1792; AGI PC 160-A, 1 May 1801.

84AGI PC 160-A, 1 May 1801.

85Acts of Almonester y Roxas, f. 251, 25 April 1778; Baptism of Pedro Bailly, <u>Sacramental Records</u>, vol. 3, p. 12, 17 July 1782; AGI PC 160-A, 1 May 1801; Court Proceedings of Ximénez, no. 69, 28 May 1804, f. 246-63.

86Oath of Allegiance Given by Company of Free Pardos and Morenos, SJR, 20 September 1769; Marriage of Manuel Noël Carrière and María Juana Pier Tomás, <u>Sacramental</u> <u>Records</u>, vol. 3, p. 48, 17 November 1778.

871795 Census; AGI PC 160-A, 1 May 1801; Court
Proceedings of N. Broutin, no. 56, f. 667-74, 29 November
1802.

⁸⁸Oath of Allegiance Given by Company of Free Pardos and Morenos, SJR, 20 September 1769; Baptism of Joseph Francisco Colombé, <u>Sacramental Records</u>, vol. 3, p. 62, 22 October 1778; Acts of F. Broutin, no. 25, f. 144, 22 May 1793.

89Acts of Almonester y Roxas, f. 459, 27 August 1779.

 $^{90}\mbox{Acts}$ of Ximénez, no. 18, f. 9, 22 January 1801; AGI PC 160-A, 1 May 1801.

⁹¹Autos fechos por fin y muerte de Juan Bta Hugón, SJR, 8 August 1792; Proceedings for Having Executors Present Wills for Examination, Records of the Diocese of Louisiana and the Floridas, on microfilm at THNOC, Roll 5, 1 April 1796.

 $^{92} Letter$ from the Free Black Militia to the Cabildo, PDLC, book 4088, doc. 367, 24 October 1800; RDC, vol. 4, no. 4, 14 August and 18 September 1801. The free black militia also acted as a corporate political body when its

members signed an oath of allegiance to the Spanish government in 1769 and a petition to the United States government in 1804 requesting continued existence and equal treatment as guaranteed to all Louisiana citizens under the transfer agreement (Address from the Free People of Color, January 1804, in The Territorial Papers of the United States, Volume IX: The Territory of Orleans, 1803-1812, Clarence Edwin Carter, comp. and ed. (Washington, DC: United States Government Printing Office, 1940): pp. 174-75.

⁹³Holmes, <u>Honor and Fidelity</u>, pp. 57-59, 74; McConnell, "Louisiana's Black Military History," pp. 37-62; McConnell, <u>Negro Troops</u>, pp. 33-52.

⁹⁴Klein, African Slavery, p. 233.

CHAPTER 5 BLACK OVER BLACK: SLAVE OWNERSHIP BY FREE PEOPLE OF COLOR

The holding of African slave property by free people of color was customary throughout the Americas. Scholars have documented the persistence of this phenomenon, particularly in North America, Brazil, and the Caribbean. Most colonial governments guaranteed the property rights of their free black citizens. Ownership of black slaves also fostered free black identification with white society and thus dissipated white fears of racial collusion. In the Americas free black slaveholders usually owned slaves for purposes of service and speculation, just as their white neighbors did. Free black "interests in regard to slavery tended to converge with the interests of white planters." Occasionally free blacks enslaved their kin, but they only did so in large numbers when manumission legislation became increasingly restrictive.

White residents tightened manumission requirements as the free black population grew in size and economic importance to a point that whites deemed intolerable. This trend toward restrictive manumission occurred primarily in the late eighteenth and nineteenth centuries in the French, British, and former British colonies. In Saint-Domingue,

where during the 1700s a considerable number of large landand slaveowners emerged from the <u>gens de couleur libre</u>, a
1775 royal ordinance "imposed a heavy tax upon
emancipations: at least 1,000 livres for each male, and
2,000 livres for each female under the age of forty . . ."

The French Antilles, Barbados, and Jamaica likewise imposed
extreme emancipation fees that most free black masters could
not afford and that most white masters refused to pay.
Under these conditions the frequency of free black ownership
of slave who were relatives rather than mere chattel
burgeoned, especially among lower-class free blacks. In the
French Antilles small slaveowners "held their fathers,
mothers, concubines, children, and other relatives in an
official state of slavery because they were unable to pay
the emancipation tax."

4

In North America, too, laws making manumission difficult and expensive compelled free blacks to purchase and hold slave kin. The case of Virginia was typical. During the colonial period and into the early 1800s free blacks owned slaves as sources of labor and wealth and could purchase their still enslaved relatives and then immediately manumit them. An 1806 law, however, required any slave manumitted after that date to leave the state. As a result, free blacks devised the strategy of buying their kin and friends; these slaves were free in most respects and could reside near their loved ones.⁵ In the nineteenth-century

United States South as a whole, free blacks owned slaves "as a way of circumventing laws against manumission."

Two states proved the exception: Louisiana and Alabama, which under French and Spanish colonial rule constituted one area. Practices instituted by the Spanish in Louisiana and Alabama accounted for their uniqueness in the antebellum period. The pattern of free black ownership of slaves in Spanish Louisiana closely resembled that of other Spanish American colonial regions and Brazil, where free black populations were large and valuable and restrictions on manumission never emerged. In these areas, as well as in Spanish Louisiana, free blacks primarily owned slaves to help them in their trades in both cities and fields. As long as slave prices remained low, free people of color who could afford bondspersons used them. In addition, free blacks could afford to purchase their slave relatives and free them with few constraints.

This chapter analyzes the incidence of slaveholding by New Orleans free people of color during the Spanish colonial period: the buying, selling, inheriting, renting, exchanging, and manumitting of African slaves. Throughout the work distinctions are drawn between the holding of kin and non-kin slaves. Observations are based on analysis of notarial records for the three sample years in each decade.

Ownership of Non-Kin Slaves

Under the French and Spanish regimes free people of color ideally had legal rights and privileges equal to those of white citizens. Local regulations occasionally curtailed their efficacy, but in general free blacks "were guaranteed equal property rights and full rights to make contracts and engage in all business transactions." Unlike the French code noir, Spanish law also permitted Louisiana's free persons of color and slaves to accept donations of realty and personalty, including slave property, from whites and other free blacks. During the Spanish period "the free colored class was economically active and enjoyed full freedom to arrange contracts, own and transfer property, and bring suit, even if it involved civil litigation against whites."

Purchases

Armed with these powers, free blacks purchased and sold black slaves as they would any other type of property. Like their white neighbors, free blacks invested in African slaves for use and speculation more frequently than for benevolent purposes. Data provided in Table 5-1 show the number of slave transactions in which free persons of color engaged. Free people of color purchased rising numbers of slave laborers into the 1790s, with a slight dip in the 1800s. 10 A comparison of free black purchases of slave non-

kin with those of kin reveals the prevalence of the former, a trend that became more marked over time. Free persons of color like María Baudaille, Genoveva Delorme, the carpenter Pablo Cheval, the wood vendor Agustín Malet, and the shoemaker Agustín Bins

Table 5-1 Slave Transactions Involving Free People of Color New Orleans, 1771-1803

Years	Purchase Non-Kin FW FFPC		Purchase Kin FW FFPC		Sale of Slave TW TFPC		Donation of Slave to FPC FW FFPC	
1771-1773	7		3		2			
1781-1783	58	3	12		16	3	10	1
1791-1793	106	11	15		30	11	34	7
1801-1803	92	7			47	7	25	26

FW=From White TW=To White FFPC=From Free Person of Color TFPC=To Free Person of Color

Sources: Notarial Records.

bought respectively a carpenter, a cook/laundress/ironer, a mason, a cooper, and a shoemaker in order to assist them in their trades, hire out at a profit, or lighten domestic chores. 11

Table 5-2 crosstabulates the free black buyer and the slave purchased according to time period, gender, and phenotype. Free persons of color bought few pardos; almost two-thirds of the slaves they acquired were females. In fact, for each decade in which there was also a census that distinguished slaves by gender (all but the early 1800s),

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Table 5-2 Purchaser and Slave Purchased by Phenotype and Gender New Orleans, 1771-1803

	Female	Slave	Male		
Purchaser	Morena	<u>Parda</u>	Moreno	Pardo	Total
1771-1773					
Morena Libre	1	1	2		4
Parda Libre	2	1			3
Moreno Libre		1	1		2
Pardo Libre					
TOTAL	3	3	3	0	9
	(33.3%)	(33.3%)	(33.3%)		
1781-1783					
Morena Libre	12	2	8		22
Parda Libre	20	1	4	3	28
Moreno Libre	2		1		3
Pardo Libre	7		5	1	13
TOTAL	41	3	18	4	66
	(62.1%)	(4.5%)	(27.3%)	(6.1%)	
1791-1793					
Morena Libre	20		9		29
Parda Libre	43		8	3	54
Moreno Libre	16		6	1	23
Pardo Libre	9		13		22
TOTAL	88	0	36	4	128
	(68.8%)		(28.1%)	(3.1%)	
1801-1803					
Morena Libre	14		4		18
Parda Libre	26	2	13	2	43
Moreno Libre	4		8		12
Pardo Libre	8		20		28
TOTAL	52	2	45	2	101
	(51.5%)	(2.0%)	(44.6%)	(2.0%)	
TOTAL FOR					
ALL YEARS	184	8	102	10	304
	(60.5%)	(2.6%)	(33.6%)	(3.3%)	

Sources: Notarial Records.

free blacks purchased a disproportionate number of female slaves. In the 1770s and 1780s 66.7% of free black purchases were females, whereas in 1777 and 1788 female

slaves comprised respectively 55.0% and 55.1% of the entire New Orleans slave population; in the 1790s the percentage of female slavepurchases rose even higher (to 68.8%) while the percentage of females in the slave population declined (51.3% in 1791). In the 1800s, however, the proportion of female slaves purchased dropped to 53.5%.

Over the sample years studied the gap between gender ratios in the free black population and that of free black purchasers closed until the ratios were almost on parity. Initially a disproportionately large percentage of slave buyers were free morenas and pardas, but with each decade the percentage of female purchasers declined while that of males increased. Census and purchasing data show that in 1777 females comprised 67.9% of the free black population in New Orleans but purchased 77.8% of the slaves free people of color bought 1771-1773. Respective proportions for the 1780s were 71.6% and 75.8%; for the 1790s 62.4% and 64.8%; and for the 1800s 60.2% and 60.4%. The percentage of males in the free black population in 1777 (32.1%) and in the universe of free black buyers, 1771-1773 (22.2%) rose to 39.8% and 39.6% respectively in the first years of the nineteenth century (refer to Table 2-1 and Table 5-2). Given the total available slaves purchased and free black buyers by gender and phenotype, it appears that free morenas and pardas purchased greater numbers of female and fewer male slaves than would be expected, whereas free morenos and pardos preferred moreno slaves. ¹² Most likely intended use of the slave based on occupational gender divisions, along with higher prices for male slaves, influenced this pattern. Artisans acquired male slaves to help them at their craft, and traders and housekeepers bought female slaves to produce and peddle their wares or assist with domestic chores.

Like white buyers, free persons of color usually purchased slaves with cash up front, but occasionally sellers extended them credit. The free black purchaser signed a promissory note to repay the debt in installments over certain periods of time and commonly used the slave as collateral against the loan. For example, the free parda Luisa bought Don Henrique Desprez's morena slave named Perina, about forty-eight years old, for 500 pesos in 1781. Luisa gave Desprez 200 pesos at that time and agreed to pay the remainder within six months. In the meantime, Luisa could not sell or liberate Perina, even though the slave was her mother. 13 In 1802 the pardo libre Pedro Bailly acquired five slaves -- Bautista, Batista, Lubon (all thirty years old), Luisa (thirty-five), and Mare (twenty-eight) -- from Mateo Ostain for 1,200 pesos down and 2,100 pesos payable within fifteen months. 14

Merchants, in particular, sold slaves to free persons of color on credit and without interest. Within a few days the wholesale firm of Dons Pedro Volant, Francisco Pascalis de la Barre, Francisco Joseph Lamollere Dorville, and

Antonio Bienvenu sold one slave each to four free people of color. Each deed of sale stipulated that the buyer was to pay half the purchase price within one year and the other half within two years. 15

Although in most cases free persons of color repaid debts arising from slave purchases by the agreed upon date, they sometimes exceeded it. In January 1793 the morena libre María Paquet obtained a "negro bruto" from the wholesale merchant Don Juan Bautista Sarpy for 400 pesos due by January 1794. Paquet's debt was not canceled until June 1796. 16 The pardo libre Cupidon Caresse exceeded his repayment date by three and a half years. 17 Whereas the two parties usually settled these transgressions amicably, sellers occasionally sued buyers for repayment. For example, the free pardo Noël Cousín, a carter, purchased a forty-five-year-old moreno from wholesaler Don Bartolomé Bosque for 400 pesos in April 1801. Cousín agreed to pay Bosque that sum within one year, but when Cousin had not satisfied the debt by August 1802. Bosque petitioned a government tribunal. The court ordered Cousín to pay Bosque within two days or risk having his goods and/or person seized to cover the debt. 18

In a few cases free blacks bought slaves they later found unsatisfactory and forced the seller to repurchase them. In September 1800 the pardo libre Pedro Bailly obtained along with other slaves, animals, and tools a

moreno slave named San Soney "de nación Congo" from Doña María Tronquet. Four months later Bailly asked a tribunal to annul the transaction; the sale was misrepresented because unknown to Bailly the slave had been a cimarrón. Tronquet in turn denied charges that she had known of this defect but failed to inform Bailly of it. Bailly's free black and white witnesses, however, attested that San Soney was a chronic runaway. Faced with defeat, Tronquet agreed to take back the slave but demanded that Bailly pay her a rental fee of fifty-four pesos for the time he had enjoyed San Soney's services plus court fees. The tribunal sided with Bailly: it decreed that Bailly was not liable for such rents, as the transaction constituted a bonafide sale, and divided court costs of twenty-six pesos five reales between the plaintiff and defendant. 19

Sales

Purchases of non-related slaves by free blacks consistently outnumbered sales (see Table 5-1). Free blacks did not sell their kin, although as we will see below, they occasionally kept them enslaved for extended periods. Free people of color sold slaves to whites much more frequently than to other free people of color, and given the preponderance of whites in the free population and a greater number of wealthy whites, this was expected. During the sample years of the 1770s sales of slaves by free blacks was

negligible; after that date they averaged about six per year in the 1780s sample, fourteen in the 1790s, and sixteen in the 1800s. With each decade free persons of color sold a

Table 5-3
Seller and Slave Sold by Phenotype and Gender
New Orleans, 1771-1803

	Female	Slave	Male S	Slave	
Seller	Morena	Parda	Moreno	Pardo	Tota]
1771-1773					
Morena Libre					0
Parda Libre	1				1
Moreno Libre			1		1
Pardo Libre					0
TOTAL	1	0	1	0	2
	(50.0%)		(50.0%)		
1781-1783					
Morena Libre	2				2
Parda Libre	3		1	1	5
Moreno Libre					0
Pardo Libre	3	1	8		12
TOTAL	8	1	9	1	19
	(42.1%)	(5.3%)	(47.4%)	(5.3%)	
1791-1793					
Morena Libre	7	1	5		13
Parda Libre	14		4	2	20
Moreno Libre	2		1		3
Pardo Libre	3		5		8
TOTAL	26	1	15	2	44
	(59.1%)	(2.3%)	(34.1%)	(4.5%)	
1801-1803					
Morena Libre	8		5		13
Parda Libre	17	3	4	1	25
Moreno Libre	1		1		2
Pardo Libre	4		9		13
TOTAL	30	3	19	1	53
	(56.6%)	(5.7%)	(35.8%)	(1.9%)	
TOTAL FOR					
ALL YEARS	65	5	44	4	118
	(55.1%)	(4.2%)	(37.3%)	(3.4%)	

Sources: Notarial Records.

rising percentage of female slaves (Table 5-3). For the sample as a whole female slaves made up 59.3% of all slaves sold by free blacks, a proportion that more closely approached the percentage of females in the slave population than did that of female slaves purchased by free blacks.

Examples of transactions in which a free black sold slaves to another party included Catalina Gálvez, a parda libre who sold to Don José Cultida a morena slave also named Catalina, about twenty-eight years old, a native of Jamaica, and skilled in the tasks of cooking and washing. Gálvez had owned Catalina for ten months when she sold her in 1783 for 400 pesos. Two months later Gálvez purchased a ten-year-old morena creole from Louisiana for the same amount. 20 In 1792 a free black sold a plot of land and two morena slaves to another free black. The parda libre Carlota Thomás sold to Pelagia Daupennes, also a parda libre, land on Calle Delphina and the slaves Francisca, a creole, and Ester, a native of the coast of Guinea, both about sixteen years old. Thomás disposed of the land for 150 pesos and 200 pesos for each slave. 21 Free black minors (under the age of twenty-five) conducted property transactions through representatives. In 1792 Magdalena Chauvin, the parda slave of Doña María Chauvin, gave power of attorney to Don Juan Pallet to sell her free twelve-year-old daughter's slave. María Francisca, the free cuarterona daughter, owned a black slave named Guin, whom she sold and in turn bought a plot of

land on Calle del Hospital from Antonio Conway, moreno libre. 22

Like whites, free persons of color who sold slaves often extended credit to their buyers, white as well as free black. Juan Bautista, alias Janó, a pardo libre, sold an eighteen-year-old pardo whom he had owned about two years to Santiago Chaperón. Chaperón agreed to pay Juan Bautista 250 pesos in three months and another 250 pesos in eight months.²³ In 1792 the cuarterón libre Agusto Savane sold to Jorge Rixner a morena whom he had acquired in proceedings against the free parda Naneta Chabert eight years earlier. At the time of the sale Rixner gave Savane 100 pesos with 350 more due within eleven months. 24 Don Francisco Baltazar Longuille purchased a morena from Inéz Mathieu, free morena, for 430 pesos payable in six months; one month later the mercantile firm of Estevan Agustín and Company promised to pay Mathieu 306 pesos by the end of the year for a moreno slave. 25 Both paid their debts on time.

Some free persons of color held slaves for long periods of time before selling them. In 1783 the free parda Ana Cheval sold two morena creoles who had been in her possession for twenty-two years; she had purchased them by means of a papel simple according to customs prevailing during the French dominion.²⁶ The parda libre Agata Francisca Carrière had also owned her morena slave María for twenty-two years when she sold her to Salvador Pamias for

500 pesos. Carrière had purchased María as a babe from another parda libre named Mariana Leyba in 1781.²⁷

Donations

In addition to procuring bondspersons through purchase, free persons of color acquired slave property by way of testamentary and inter vivos acts. Heirs rarely contested these generous bequests to free blacks, and Spanish colonial courts usually upheld the deceased's wishes as long as there existed a written, witnessed last will and testament. Data from the sample years indicate that the number of slaves white persons donated to free blacks exceeded that of free persons of color to other free blacks by an approximate ratio of two to one (refer to Table 5-1). Nevertheless, white donations dropped in the 1800s after peaking in the 1790s, while free black donations continually rose over the period, surpassing white donations in the final sample years.

Whites and free persons of color primarily donated slaves to free blacks in their wills. According to the December 1779 will of Henrique Mentzinger, who was a sergeant in the white militia, the pardito libre Juan Baptista, two years old, was to receive Mentzinger's twenty-six-year-old morena slave named Fatima. In addition, Mentzinger left to the parda libre Luison, eight years of age, his eight-year-old moreno slave named Manuel. Both

Juan Baptista and Luison were the children of the morena libre Gabriela, Mentzinger's former slave and probable common law mate. Mentzinger willed 200 pesos to Gabriela. The 1791 census of New Orleans listed Mentzinger's residence on Burgundy Street (Calle de Borgoña), with a household comprised of himself, one male and four female free pardos under the age of fifteen, and one male and one female moreno slaves. Evidently after having three more children by Mentzinger, Gabriela had died.²⁸

Doña Magdalena Brazilier's will stipulated that María Luisa, a parda libre about seven or eight years old, was to receive two slaves -- Batista (twenty years old) and Luisa (eighteen years old) -- along with Brazilier's residence in New Orleans and all her clothes, jewelry, household goods, kitchen utensils, and furniture. María Luisa was the daughter of Brazilier's "mulata mestiza" slave named Maneta. In the will Brazilier freed seven of her slaves, many of them other children of Maneta, but she did not manumit Maneta. Maneta's children joined María Luisa and their brother Poiguon, a pardo libre whom Brazilier had manumitted prior to making her will. 29 A native of Coruña, Spain, Don Marcos de Olivares bestowed upon his natural daughter, the free parda María Josepha de los Dolores, ownership of a morena slave and her two children, along with another morena slave. Olivares also willed her 2,000 pesos, two houses, furniture, clothing, silver, and various household effects.

He donated to María Josepha's mother, the free morena Mariana Voisín, a morena slave, a small house and land, and 1,000 pesos and instructed her to administer their daughter's inheritance until she reached majority. Other free persons of color, including María Josepha's grandmother, also benefitted from Olivares' generosity. 30

Free persons of color also donated slave property to friends and kin in their wills. Near death in 1793, the fifty-six-year-old free morena criolla Mariana Meuillon designated her natural son as her only heir. Bautista Meuillon, a twenty-five-year-old free pardo, thus acquired his mother's silverware, a house and land in New Orleans, a seven-by-forty-arpent tract of land eight leagues upriver from the city, and a "morena bosal" named Mariana. The last two items Mariana had received from Don Luis Meuillon. 31 Unmarried and without heirs, the morena libre Margarita Momplessir stated in her testament that she owned thirteen "piezas de esclavos": the morena Juli, her ten children (ages twenty-two years to eight months), and the three children of Juli's oldest daughter, Clarisa (six to one years of age). Momplessir divided this slave family by giving Clarisa to Catalina, who was a morena slave belonging to the estate of Don Francisco Momplessir: one of Clarisa's daughters to a pardita libre named Eufrosina Dimitry: and the remaining slaves to the free cuarterona Francisca Momplessir. 32

Though not as common as testamentary bequests, inter vivos donations of slaves to free people of color occasionally appeared in the notarial registers. Among these benefactors was Don Francisco Raquet, who in 1782 donated two young morena slaves and two pieces of land to Adelaida, free cuarterona, daughter of the free parda Francisca Lecler, alias Raquet. In his will dated twenty years later Don Francisco recognized the now twenty-fouryear-old Adelaida as his natural daughter; donated 3,000 pesos to her, 400 pesos to her mother Francisca, and 1,000 pesos to each of Adelaida's two sons; and named as heir to his plantation and twelve slaves Adelaida's daughter named Adelaida Dupry. 33 Apparently Don Francisco preferred his granddaughter to his grandsons. In 1791 Don Luis Bruneau Gireaudeau made an inter vivos gift of two slaves to the free cuarterón Gabriel Elissée, three-year-old son of Adelaida Lemelle, a free cuarterona. 34 That same year Francisco Dorville, a captain in the free pardo militia, presented his youngest son Juan Francisco Dorville a pardito slave named Pedro. Pedro was an eleven-year-old son of the elder Dorville's moreno slave Clara.35

Further Clues to Non-Kin Slaveholding

In addition to acts of purchase, sale, and donation, some of the most valuable information on free black slave ownership can be found in wills and marriage contracts made by free persons of color, transactions in which free blacks used their slave property as collateral, and tax lists. For example, sometime during the late 1790s or early 1800s Spanish administrators compiled a list of persons owning land along the levee near New Orleans. This list recorded the extent of land and number of slaves each individual possessed, most likely for purposes of taxation. 36 In all, 52 landowners held 562 slaves, an average of 10.8 slaves per proprietor. Of the 52 owners 46 were white, and they held 540 slaves for an average of 11.7. The 6 remaining free black owners possessed 22 slaves, or an average of 3.7. Whites on these properties held over four times as many slaves as free black landowners. Pedro Demouy and Antonio Conway, both free pardos, owned eight slaves each, but the morena libre Agnes (Inéz) Mathieu and the parda libre Felicita Forneret owned only two slaves each, and the pardo libre Joseph and the morena libre Fanchon Carrière owned only one slave each. White slaveholdings ranged from a low of one to a high of forty.

Free persons of color, like white persons, frequently mortgaged their slave property in order to obtain cash loans or purchase slaves and real estate on credit. The parda libre Genoveva Simón mortgaged her morena slave María, a native of the Guinea coast, in order to secure a 100-peso loan from Francisco Chávez. To January 1803 the free morena María Rosa Tisoneau borrowed 150 pesos payable by the

end of the year from the free cuarterón Luis Dusuau, offering as collateral her ten-year-old pardo slave. A notary's margin scribbling indicated that Tisoneau's debt was not canceled until March 1806.³⁸ The morena libre Magdalena Paquet demanded that María Paquet, another free morena and possible relation, guarantee an 800-pesos loan with three slaves, a mother and her two children.³⁹

During the sample years studied sixteen free persons of color recorded last wills and testaments in which they listed slaves as part of their estate. These sixteen individuals possessed a total of fifty-seven and one-third slaves; half owned only one slave, but holdings ranged as high as thirteen. 40 Mentioned above in relation to the levee landowners' tax list. Pedro Demouy owned four slaves when he wrote his will in 1802, and he named as heirs to his estate his five natural children by the morena libre named Juana. Pedro, however, also declared that since 1779 Juana and he had "travajado en comunidad" (worked jointly or as a society), and as a result, half of what he possessed belonged to her. Thus, two of the slaves went to Juana and the other two to the five children. 41 According to the free morena María Thomasa's will recorded in 1777, she was a creole of New Orleans, born of Thomás, a free moreno native of Guinea, and María Juana, a free morena native of Judea. María Thomasa had three natural children, all pardos. To them she left a plot of land and eight slaves: the

forty-year-old Venus and her three children -- Honoré, an eight-year-old pardo, Silvestre, a six-year-old pardo, and Carlos, a five-year-old moreno; Bambara, forty years old; Silvestre, sixteen years old; Manon, eight years old; and Anrrieta, twenty-three years old.⁴² Although legally married to a free morena named María, Henrique Sambas, a native of Senegal, had produced four children out of wedlock. María Luisa (about twenty-three years old, slave of Don Luis Bauré), Naneta (about twenty, free), Enrique (seven, free), and Pedro (about four, free) together inherited Sambas' land in the suburb of St. Mary, three horses, two mules, about forty head of cattle, and three slaves. Sambas also held as a slave his brother Francisco but instructed his executor to manumit Francisco upon Sambas' death.⁴³

Like upper-class whites, wealthy free blacks wrote ante-nuptial marriage contracts that stated the property owned by each of the prospective partners. In 1779 the couples Pedro Langlois and Carlota Adelaida, both free pardos, and Juan Bautista, alias Janó, and María Juana Catarina, both free cuarterones, declared their possessions prior to marrying. Langlois' property included one moreno and two morena slaves, each valued at 400 pesos. Carlota Adelaida, in turn, listed among her possessions an eleven-year-old morena and "persona inteligente" worth 250 pesos and a one-third interest in a moreno butcher worth 200

pesos. Carlota Adelaida had a three-year-old daughter named Angélica from her previous marriage to the free pardo Juan Bautista Horry, and Angélica owned three moreno slaves, one valued at 340 pesos and the other two at 330 pesos. María Juana claimed no slaves, but Juan Bautista avowed ownership of five morenos: Piramide (sixteen years), Carimiro (twenty), Jut (twenty-three), and Magdalina (twenty-four) each worth 400 pesos and Luis (five years) worth 150 pesos.44 More than two decades later the pardos libres Joseph Cabaret and María Juana Prudhome registered their antenuptial contract. Cabaret brought to the marriage land, three cabins, a garden, a canal, eight cows, and four slaves, all located on the Camino del Bayu San Juan between New Orleans and Lake Pontchartrain. In turn, Prudhome contributed to the union two houses in New Orleans and one slave. She also possessed 325 pesos that her former white consort, Don Juan Antonio Lugar, had given her; upon her death the money was to go to their two natural daughters, Rita and Petrona, 45

Although free black ownership of slaves was common throughout the Americas, slaves rarely owned other slaves. One exception was early nineteenth-century Rio de Janeiro. During this period supplies of slaves were plentiful and prices low. Masters of trusted skilled and managerial slaves "permitted them to acquire property for their own use, including land and other slaves, and eventually to earn

their freedom by buying themselves." In fact, "the success of the slave tended to increase the slaveowner's status and position in society, since command over people was a function of high status in the society."46 A few cases from the notarial records indicated that slaves owned and purchased other slaves in Spanish New Orleans, too. As seen in Chapter 2, one slave paid for her manumission by giving her master another slave. Whites and free blacks occasionally donated slave property to favored bondspersons. Another example was Fabre, the morena slave of Andrés Boret, who owned a parda slave of no given name. In 1777 Boret willed Fabre, her three children, and Fabre's slave to the free morena Luisa. Luisa was forty-one years old and the former slave of Boret, whom he had freed one year earlier. 47 Representing the interests of an eight-year-old cuarterona slave named Modesta, the free parda Pelagia Populus purchased a morena slave and her three daughters at a price of 1,000 pesos.48

Slave Rentals

Free persons of color frequently obtained the services of slaves or earned monies from these services by renting another individual's slaves or hiring out the slaves they owned. Free black and white New Orleanians, as well as the Spanish government, rented slaves for a variety of purposes, in particular to perform specific, usually unsavory, tasks

for short periods of time. When Nicolás Baccus, moreno libre and officer in the Milicias de Pardos y Morenos Libres de Nueva Orleans, rented five slaves from Doña Luisa Boisdore in 1779, he did not specify their expected use but probably put them to work on his farm located just outside the city. 49 He rented the slaves for two years and paid 192 pesos for each one. Included in the contract were the usual provisions for care of the slaves when ill and for responsibility of them if they died a violent death. The parda libre María Chataulen rented a pardo named Pedro from Honoré LaChaise at an annual rate of seventy-eight pesos, starting in the year 1771. 50

On the flip side, the free pardo Estevan Marechal in 1773 hired out his twenty-five-year-old moreno slave named Joli Coeur ("Pretty Heart") to Juan Bautista Saizán at six pesos a month, or seventy-two pesos a year. Between 1780 and 1802 the morena libre Margarita Momplessir rented her slave Juli to Don Francisco Chauvin Momplessir; she charged a monthly rate of four pesos for a total of 1,128 pesos. Don Francisco still owed her this sum when Margarita wrote her will in 1803. 52

Expended Resources: Freeing the Slaves

During the Spanish period free people of color in New Orleans manumitted substantial numbers of slaves, both kin and non-kin. The subject of manumission has already been considered in Chapter 2; discussion in the following pages will focus on purchases of slave relatives, comparison of kin and non-kin manumissions, and expenditure of funds to obtain indirectly the liberty of family members or friends by free persons of color. In addition to utilizing scarce resources for the purchase of slaves who helped them in their trades and added to their social status, New Orleans free blacks saved or borrowed money in order to give their loved ones a taste of freedom.

Purchase of Slave Kin and the Manumission of Slaves

As expected, the purchase of slave kin and manumission of those same kin were closely linked; free blacks who acquired their relatives usually freed them within a short period of time. When free blacks freed their kin, they always did so graciosamente, freely and without conditions, even though they usually spent large sums to acquire them. Where no kinship was indicated, 53 however, slightly less than half (twenty-three out of fifty-two) the slaves manumitted by free persons of color had to purchase their freedom or provide additional years of service (Table 5-4). For the sample years studied non-kin outnumbered kin manumissions by a ratio of 1.4 to 1, and whereas kin manumissions dropped off in the 1790s and early 1800s, free persons of color freed rising numbers of unrelated slaves in those same years. For example, the free pardo couple

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Table 5-4
Manumissions Involving Free People of Color
New Orleans, 1771-1803

	Manumit Non-Kin		Manumit Kin				ovide -Kin	Funds Kin		
Years	G	С	S	G	C	S	3rd	Trib	3rd	Trib
1771-1773	2		3	2					3	
1781-1782	4	2	2	18				2	12	3
1791-1793	11		1	8			3	5	24	12
1801-1803	12		15	10			9	1	43	9

G=Gratis S=Self-Purchase Trib=Before a Tribunal C=Conditional 3rd=Third-Party Purchase

Sources: Notarial Records

Francisco Brantant and Mariana Dupard liberated gratis their two-year-old morena slave named Ursula in 1793. They gave Ursula her freedom in remuneration of the good services that her dead mother had provided over many years. 54

The majority of manumissions that free blacks made graciosamente, however, were on behalf of slave relatives. Free black masters freed their slave relatives due to sentiments of love and affection and acted almost immediately after purchasing them, as noted in Chapter 2. Among them was Carlos Bieque, a free pardo who bought his daughter Adelaida, a seven-year-old grifa, and son Pedro, a three-year-old grifo, from Don Estevan Roquigny for 500 pesos. He manumitted them without conditions three days later. Freed on 17 September 1781 according to provisions

of Doña Pelagia Lorreins last will and testament, the pardo Luis on 30 October 1781 purchased from Lorreins' estate his mother, the fifty-year-old morena María. On 2 November 1781 he manumitted her graciosamente.⁵⁶

Other free persons of color had to wait until they repaid debts contracted to purchase their slave relatives before freeing them. In August 1780 the morena libre María borrowed 150 pesos from Don Lorenzo Wiltz when she bought an elderly morena slave from him. María reimbursed Wiltz the monies owed him on 17 January 1782, and the next day she manumitted gratis the sixty-year-old slave, her mother. 57 One day also passed between the time Mariana canceled her debt and freed her daughter Adelaida, whom she had purchased ten months earlier. 58 The pardo libre Luis Ledée procured his enslaved wife and five children for 800 pesos from the estate of Don Juan Francisco Ledée in 1793. With Don Luis Declouet standing as quarantor, Ledée obligated himself to repay the purchase price 500 pesos by the end of 1793 and 300 pesos at the end of two years. According to the agreement, Ledée mortgaged two of his male slaves. As soon as Ledée satisfied the loan, he bestowed freedom upon his entire family. 59

In several instances free black masters held their kin for extended time periods or indefinitely because the enslaved persons were very young or old. The free moreno Luis la Noche purchased his four-year-old parda daughter

outright from Pedro Dupard in 1772, but he did not manumit her until 1775.60 Possibly enslavement benefitted the child in some way until she reached a certain age when freedom was deemed preferable. In 1793 Francisco Dubreuil, a free pardo, gave Don Carlos Juan Bautista Fleurian and his wife Doña Juana Catarina Villars 800 pesos for his three grifo children. Even though Dubreuil paid cash for the slaves, he did not manumit them any time soon, at least not by official act. 61 At the other end of the age continuum, one finds the free parda Naneta purchasing two slaves: her mother -- a parda named Henrieta, born in her master's house and forty-five years old -- and her grandmother -- a morena named Gäy, seventy-three years old. Three months later Naneta manumitted her mother, but she never freed her grandmother. 62 Possibly enslavement by caring relatives held advantages for older people, too.

Funds to Free Slaves

In addition to purchasing and then freeing a slave, free people of color also utilized their resources to pay the slave's master for a carta de libertad. The interested party naturally preferred to take the more direct, amicable route of paying the master to free the bondsperson, but sometimes he or she had to resort to the more arduous and potentially combative route of requesting the slave's carta in front of a government tribunal. All three options

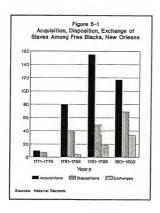
produced the same result: the slave obtained his or her freedom. Which alternative the free person of color and the slave elected very likely depended upon willingness of the master to part with the slave. The percentage of kin and non-kin requests going before a tribunal, as compared to amicable third-party purchase, rose to a high of 38.6 in the 1790s sample years, but then dropped to 16.1 in the early 1800s (refer to Table 5-4). From one decade to the next the number of slaves freed with funds provided by free persons of color increased: from three to seventeen to forty-four to sixty-two.

The Spanish Louisiana notarial records analyzed in this study evidenced a marked trend in the first years of the 1790s and 1800s away from purchase and subsequent manumission of slave kin and toward provision of funds to purchase cartas de libertad, either through the master or a government tribunal (Table 5-1 and Table 5-4). This tendency can be related to the governor's and cabildo's enacted ban on slave imports first from the French and British West Indies and finally from Africa and all other places as well during most of the 1790s. Fears of a slave uprising on the scale of Saint-Domingue's prompted this prohibitive legislation, and both factors contributed to a decline in the New Orleans slave population (Table 2-1). Faced with a dwindling supply of bondsmen, masters became increasingly reluctant to part with slaves voluntarily,

especially loyal, trusted ones. The slaves or their free black representatives thus had to force the master in front of the tribunal to them freedom. Free blacks and slaves took advantage of a favorable legal system and employed it to their own behalf.

Aggregate Acquisitions, Dispositions, Exchanges and Slave Prices

During the sample years studied during the Spanish period of New Orleans' history free people of color acquired more slaves than they relinquished, for a positive net accumulation. Figure 5-1 shows the overall number of



acquisitions (purchases and donations from whites), dispositions (sales to whites, gratis manumissions), and exchanges (sales and donations from free blacks to free blacks) among free black slaveholdings for each group of sample years. The number of slave exchanges, or transactions between two free black parties, grew each decade. The ratio of acquisitions to dispositions rose from 1.4 in the 1770s to 2.0 in the 1780s and 3.2 in the 1790s but fell to 1.7 in the 1800s, a very logical trend given the demand for and the prices and availability of slaves over the period.

Prices for both female and male slaves in general peaked in the early 1800s and secondarily in the 1780s.

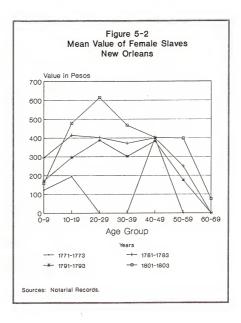
Table 5-5 provides information on the mean value of all slaves whom free persons of color purchased, sold, liberated, or generally owned by decade, age group, and gender, and Figures 5-2 and 5-3 portray price trends for female and male slaves respectively. Data from the 1770s sample years are too scarce to be reliable, but those from other years show that up to age twenty females usually cost more than males, the opposite holding true for slaves twenty years and older. 63 The value gap was widest between female and male slaves in their thirties.

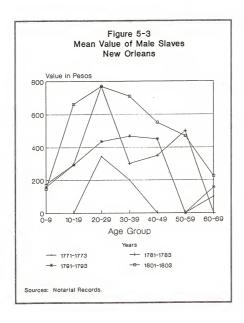
Overall, slave values were high in the early 1780s, depreciated in the early 1790s, and rose even higher in the

Table 5-5 Mean Value (in Pesos) of Slaves Purchased, Sold, Manumitted, and Owned by Free People of Color New Orleans, 1771-1803

			Ac	e Group)						
<u>Years</u>	0-9	10-19	20-29	30-39	40-49	<u>50-59</u>	<u>60-69</u> *	NG_			
1771-1779											
Females		195 (N=2)			400 (N=1)						
Males				200 (N=1)			100 (N=1)				
1781-1783											
Females	295 (N=2)	415 (N=13)	403 (N=10)	372 (N=7)	400 (N=3)	250 (N=4)		395 (N=2)			
Males	176 (N=5)	400 (N=6)	771 (N=7)		350 (N=2)	500 (N=1)					
1791-17	93										
Females	172 (N=11)	296 (N=23)	388 (N=18)	302 (N=9)	384 (N=5)	175 (N=2)	(1	244 N=31)			
							155 (N=2)				
1801-1803											
Females	158 (N=15)	479 (N=21)	615 (N=16)	468 (N=10)	403 (N=10)	398 (N=6)	75 (N=2) (N=2)	383 (=10)			
							225 (N=2)				

Sources: Notarial Records.





early 1800s. As with most commodities, prices for slaves, who in the preindustrial era represented both capital and labor, fluctuated in response to supply and demand. In the late 1770s and early 1780s supplies of slaves were low and demand high because of restrictive Spanish commercial regulations and wartime dislocations. Acquiescing to colonial demands, the Spanish crown issued a royal cédula in 1782 that opened New Orleans to legal trade with any French port where a Spanish consul had resided for at least ten years. Slaves and other goods from the French West Indies poured into Louisiana. By the early 1790s this influx of slaves during the 1780s, combined with slaveholders' fears of massive numbers of "infected" slaves coming into Louisiana from rebellious French islands and an agricultural slump, contributed to depressed slave prices. A nervous governor and cabildo prohibited the introduction of slaves first from the islands and then even from Africa, a ban that held until 1800. Even then, Louisianians could only import bosales, or slaves direct from Africa. Planters cried out for additional labor sources to produce increasingly profitable sugar and cotton crops. 64 Thus, by the early 1800s supplies of slaves were low and demand -- and prices -- higher than ever before.

A comparison of trends in slave prices and in slave transactions involving free persons of color during the Spanish period reveals some interesting patterns. In order to maximize scant resources, free persons of color had to make choices, and as a group they usually made intelligent ones. When slaves cost less (the early 1790s), free blacks bought more of them, especially cheaper adult females. As the value of bondspersons escalated in the opening years of the nineteenth century, free black owners purchased fewer and sold greater numbers of them. Interestingly, rising slave prices and a widening gap between the value of male and female slaves accompanied an increase in the percentage of males purchasing and being purchased. Whites donated fewer slaves to free blacks when value and demand for labor was high in the early 1800s, but gifts of slave property from one free person of color to another increased at the same time. Kin purchases rose each decade until the 1800s, when there were none, but concurrently there was a dramatic expansion in the number of free persons of color contributing monies so that their kin could obtain cartas de libertad, primarily through third-party purchase. In the early years of the 1800s it appears that free persons of color used their resources to liberate enslaved relatives and friends, rather than to acquire slave property.

Nevertheless, throughout the Spanish period a majority of free blacks purchased, sold, and owned slaves with their value as investments and laborers solely in mind. By tracing the sales and purchases of slaves by individual free blacks, one can ascertain the speculative nature of some

transactions. In 1792 Felicitas Lalande, parda libre, bought a thirty-year-old Congo woman named Antonia Josefa, for 220 pesos. Included in the purchase agreement was the stipulation that Lalande could not resell Antonia Josefa for more than 250 pesos and that she could purchase her freedom for the same amount. Within two months Lalande sold the slave to María Juana Prudhome, free parda, for 250 pesos, the maximum price she could demand under the provisions of her original purchase. 65 The free pardo Pedro Bailly purchased a bruta slave about twenty years old in 1777 for 220 pesos. Two and a half years later he sold the same slave for 400 pesos (an increase in value of 181%).66 Pablo Cheval, pardo libre, netted 100 pesos within five months buying and selling a seventeen-year-old morena slave, and the free parda Elizabeth Mandeville made a 300-peso profit in less than one month on a pardo slave. 67 The parda libre María Theresa Cheval holds the record, though. She purchased a morena bosal from Don Juan Bautista Labatut for 90 pesos and sold her the next day to Bernardo Izurra for 300 pesos!68

Conclusion

The findings for Spanish New Orleans substantiate many of the observations made by scholars who have studied slave ownership on the part of free blacks elsewhere in the Americas. New Orleans free people of color most often

possessed non-kin slaves as property in which they invested substantial sums and used for their own economic and social enhancement. Some free blacks owned slaves not for their own benefit, but rather for that of the slave himself; they purchased slave relatives in order to free them or to give them the benefits of actual freedom without the burdens. The alternatives available for free blacks wishing to free their slave kin included payment of the manumission price directly to the master or indirectly through government tribunals. These alternatives negated the necessity and frequency of purchasing and then later freeing slave relatives, and at times they became the primary means to free fellow bondsmen.

<u>Notes</u>

¹Though the list presented here is not all inclusive, some studies that discuss slaveholding by free blacks are: Ira Berlin, Slaves Without Masters: The Free Negro in the Antebellum South (New York: Pantheon Books, 1974); Frederick P. Bowser, The African Slave in Colonial Peru, 1524-1650 (Stanford: Stanford University Press, 1974); James R. Brewer, "Negro Property Owners in Seventeenth-Century Virginia," in The Making of Black America: Essays in Negro Life and History, edited by August Meier and Elliott Rudwick (New York: Atheneum, 1969), pp. 201-05; Léo Elisabeth, "The French Antilles," in Neither Slave nor Free, eds. Cohen and Greene, pp. 134-71; E. Horace Fitchett, "The Traditions of the Free Negro in Charleston, South Carolina, " The Journal of Negro History 25 (April 1940): 139-52; John Hope Franklin, The Free Negro in North Carolina, 1790-1860 (Chapel Hill: The University of North Carolina Press, 1943); Genovese, "The Slave States in North America," in Neither Slave nor Free, eds. Cohen and Greene, pp. 258-77; Jerome S. Handler and Arnold A. Sio, "Barbados," in Neither Slave nor Free, eds. Cohen and Greene, pp. 214-57; Karasch, Slave Life in Rio; Klein, African Slavery; Knight, Slave Society in Cuba; John H.

Russell, "Colored Freemen as Slave Owners in Virginia," <u>Journal of Negro History</u> 1 (July 1916): 233-42; William F. Sharp, <u>Slavery on the Spanish Frontier</u> (Norman: University of Oklahoma Press, 1976); Carter G. Woodson, ed., <u>Free</u> <u>Negro Owners of Slaves in the United States in 1830</u> (New

York: Negro Universities Press, 1924).

A few scholars have addressed the topic of free black slaveholders in Louisiana, but they concentrate on the antebellum period: Alice Dunbar-Nelson, "People of Color in Louisiana," Journal of Negro History 1 (October 1916): 361-76; Foner, "Free People of Color in Louisiana and St. Domingue," pp. 406-30; Joseph Karl Menn, The Large Slaveholders of Louisiana - 1860 (New Orleans: Pelican Publishing, 1964); Sterkx, The Free Negro in Ante-Bellum Louisiana; Taylor, Negro Slavery in Louisiana.

²Elisabeth, "The French Antilles," p. 165.

³Hall, "Saint Domingue," in <u>Neither Slave nor Free</u>, eds. Cohen and Greene, p. 177.

⁴Elisabeth, "The French Antilles," p. 166.

 $$^5\mathrm{Russell},$ "Colored Freedmen as Slaveowners," pp. 233-42.

⁶Genovese, "The Slave States in North America," p. 267; Menn, <u>Large Slaveholders of Louisiana</u>, pp. 92-94.

⁷Karasch, <u>Slave Life in Rio</u>, pp. 211, 335-70.

 $^8 Foner,$ "Free People of Color in Louisiana and St. Domingue," pp. 416-17.

 $^9\mathrm{Quote}$ from Fiehrer, "African Presence," p. 21; Baade, "Law of Slavery," p. 49.

10The unreliable and sporadic nature of census data make correlation analysis between free black population increase and rising numbers of slave purchases difficult. As a discussion in the following pages will show, however, the gap between acquisitions and dispositions of slave property widened up through the 1790s and narrowed only slightly (but not to the 1780s level) in the 1800s.

11Acts of Pedesclaux, no. 19, f. 793, 1 October 1793;
no. 44, f. 631, 27 July 1803; no. 18, f. 771, 26 September 1793; no. 39, f. 557, 8 October 1801; no. 42, f. 842, 15
November 1802. More information about slave rentals is provided below.

¹²A comparision of actual and expected purchases given the distribution of slaves purchased and their free black buyers by gender and phenotype yields:

Slave Purchased									
<u>Purchaser</u>	Morena	Parda	Moreno	<u>Pardo</u>	<u>Total</u>				
Morena Parda Moreno Pardo	47 (44)* 91 (77) 22 (24) 24 (38)	3 (2) 4 (3) 1 (1) 0 (2)	23 (24) 25 (43) 16 (13) 38 (21)	0 (2) 8 (4) 1 (1) 1 (2)	73 128 40 63				
TOTAL	184	8	102	10	304				

^{*} expected frequency given in ()

Sources: Notarial Records.

Karasch notes that "in many African societies women were preferred as slaves." In early nineteenth-century Rio de Janeiro "black freedpersons who had less capital than other owners bought the least expensive slaves, that is, African girls" (Slave Life in Rio, p. 342).

13Acts of Mazange, no. 4, f. 898, 6 November 1781. Luisa's debt was cancelled on 13 August 1781, and that same day she manumitted her mother, a pattern common among free people of color who held their kin as slaves. Holding and manumitting of kin is examined in a later section of this chapter.

14Acts of Pedesclaux, no. 40, f. 223, 30 March 1802.

15Acts of N. Broutin, no. 5, f. 190, 22 April 1803; f. 200, 27 April 1803; f. 203, 29 April 1803; and f. 210, 2 May 1803.

¹⁶Acts of Pedesclaux, no. 16, f. 81, 31 January 1793.

17Acts of Pedesclaux, no. 18, f. 710, 4 September 1793. Don Pedro de Marigny sold Caresse a twenty-five-year-old moreno named Luis for 530 pesos payable by the end of December 1794. Caresse guaranteed the loan with his moreno slave Gabriel, fifteen years old. The debt was not cancelled until March 1799.

 $^{18}\mathrm{Court}$ Proceedings of N. Broutin, no. 55, f. 183-90, 7 August 1802.

- $^{19}\mathrm{Court}$ Proceedings of N. Broutin, no. 47, f. 58-75, 22 January 1801.
- $^{20} \rm Acts$ of Perdomo, no. 1, f. 145, 13 May 1783 and no. 2, f. 235, 8 July 1783.
 - ²¹Acts of Ximénez, no. 3, f. 572, 14 November 1792.
- $$^{22}{\rm Acts}$ of Ximénez, no. 2, f. 121, 21 March 1792 and no. 3, f. 421, 4 September 1792.
 - ²³Acts of Almonester y Roxas, f. 111, 6 March 1781.
 - 24Acts of Pedesclaux, no. 14, f. 257, 19 April 1792.
- $$^{25}\mathrm{Acts}$ of N. Broutin, no. 5, f. 91, 5 March 1803; f. 142, 2 April 1803; and f. 454, 12 September 1803.
- $$^{26}\mathrm{Acts}$ of Perdomo, no. 2, f. 387, 388, 14 November 1783.
 - ²⁷Acts of Pedesclaux, no. 43, f. 21, 13 January 1803.
- 28Acts of Almonester y Roxas, f. 683, 22 December 1779 and f. 684, 23 December 1779; 1791 Census.
- $$^{29}{\rm Acts}$ of F. Broutin, no. 15, f. 344, 14 November 1792.
- $$^{30}\mbox{Acts}$ of Pedesclaux, no. 13, f. 764, 18 December 1791.
 - ³¹Acts of N. Broutin, no. 25, f. 108, 4 May 1793.
- $^{32}\mbox{Acts}$ of Ximénez, no. 19, f. 76, 2 April 1803 and f. 152, 11 August 1803.
 - 33Acts of Mazange, no. 5, f. 283, 18 March 1782.
 - ³⁴Acts of Pedesclaux, no. 12, f. 233, 4 April 1791.
 - 35Acts of F. Broutin, no. 7, f. 201, 13 April 1791.
- ³⁶"Lists of Slave Ownership," AGI PC 205, {1790s}. From the first years of the Spanish regime administrators established a tax on all slaves (commonly four reales per slave), the proceeds from which the government repaid the slaveowner for any loss incurred when officials killed runaways or slave rebels or when a slave was lawfully executed for crimes committed. Periodic censuses recorded the number of slaves each suject possessed. In the 1790s local authorities also taxed land frontage, chimneys, market

stalls, and taverns, inns, and dancehalls to fund upkeep of the city's police force, hospital, theater, and street lighting system. For examples see: PDLC, book 4083, doc. 33, 6 August 1773; RDC, book 1, 27 October 1775, 17 November 1775, and 9 April 1779; RDC, book 3, vol. 3, 27 June 1794; RDC, book 4, vol. 1, 22 May 1795 and vol. 3, 21 February 1800.

³⁷Acts of Ximénez, no. 17, f. 55, 22 April 1801.

³⁸Acts of N. Broutin, no. 5, f. 11, 18 January 1803.

³⁹Acts of Pedesclaux, no. 14, f. 188, 22 March 1792.

40One free pardo, Carlos Casenave, possessed three slaves plus a one-third interest in a slave owned together with his two brothers, Pedro and Josef. All three Casenave brothers were the natural children of the pardo libre Josef Casenave, Sr. (deceased) and the morena libre Magdalena Bauré. The senior Casenave also had two children by the morena libre Carlota Bacchus; he had been legitimately married to Magdalena la Combe, free parda (they had no children). In 1779 Josef Sr. freed his slave sons Pedro (then eighteen) and Carlos (fifteen) on condition they serve him the rest of his life, and he then bought Don Alexandro Bauré before a tribunal to demand cartas for the morena Magdalena (Bauré) and her pardo son Josef at their price of estimation. Josef thus managed to liberate one of his illegitimate families (Acts of Garic, no. 10, f. 302, 2 June 1779 and f. 590, 18 December 1779; Acts of Almonester y Roxas, f. 459, 27 August 1779). The son Carlos also had lived with a free parda, Mariana Charemberg, for thirteen years before his death in December 1800. They had one son, also named Carlos, and he inherited his father's three and one-third slaves, horses, cows, and three arpents of land with a main house, kitchen, mill, and fencing (Acts of Ximénez, no. 18, f. 9, 22 January 1801).

41Acts of Pedesclaux, no. 41, f. 578, 20 August 1802. Demouy also listed among his goods a plantation in Metairie, tools, and animals. He further stated that in order to legitimate his natural children and separate them from the depraved life ("la vida viciosa") that they had led until now, he intended to marry Juana in a church ceremony. Juana, however, was absent from the city, so Demouy instructed the free pardo Pedro Bailly to fetch her.

⁴²Acts of Almonester y Roxas, f. 402, 22 August 1777.

⁴³Acts of N. Broutin, no. 5, f. 622, 7 November 1803.

 $^{44}\mbox{Acts}$ of Almonester y Roxas, f. 57, 23 January 1779 and f. 266, 10 May 1779.

⁴⁵Acts of N. Broutin, no. 3, f. 78, 5 March 1801. Rita was the child baptized with much pomp and circumstance in the St. Louis Cathedral, an event discussed in Chapter 6.

46 Karasch, Slave Life in Rio, p. 211.

 $$^{47}\!\mathrm{Acts}$ of Almonester y Roxas, f. 169, 26 February 1777.

 $^{\rm 48} \rm Acts$ of Almonester y Roxas, f. 102, 104, 2 March 1781.

⁴⁹Acts of Almonester y Roxas, f. 38, 18 January 1779.

50Acts of Almonester y Roxas, f. 82, 23 April 1771.

⁵¹Acts of Garic, no. 4, f. 213, 24 July 1773.

⁵²Acts of Ximénez, no. 19, f. 76, 2 April 1803.

53Where no mention of kinship was explicity stated in a slave transaction and addition documents did not indicate such a relationship, it was assumed that the two parties were not related by blood or marriage.

⁵⁴Acts of F. Broutin, no. 25, f. 40, 21 March 1793.

⁵⁵Acts of F. Broutin, no. 7, f. 176, 23 March 1791; f. 181, 26 March 1791. Other examples can be found in Chapter 2.

 $^{56}{\rm Acts}$ of Mazange, no. 4, f. 752, 17 September 1781; f. 888, 2 November 1781. Luis also purchased a parda named Catalina from the estate but did not free her (Mazange, no. 4, f. 884, 2 November 1781).

⁵⁷Acts of Mazange, no. 5, f. 381, 18 January 1782.

 $^{58} \rm Acts$ of Mazange, no. 6, f. 571, 8 June 1782; no. 7(1), f. 349, 15 April 1783 and f. 350, 16 April 1783.

⁵⁹Acts of Pedesclaux, no. 17, f. 519, 19 June 1793.

 $^{60}\mbox{Acts}$ of Almonester y Roxas, f. 203, 20 July 1772 and f. 259, 29 April 1775.

⁶¹Acts of F. Broutin, no. 25, f. 299, 7 November 1793. As noted in Chapter 2, free pardo Juan Medes manumitted his son after holding him as a slave for twenty years. $^{62} \mbox{Acts}$ of Garic, no. 4, f. 264, 16 September 1773 and f. 358, 23 December 1773.

63These trends parallel those discussed in Chapter 2.

64For further information concerning economic patterns, particularly in commerce and agriculture, during the Spanish era of Louisiana's history see: Clark, New Orleans; Robin F. A. Fabel, The Economy of British West Florida, 1763-1783 (Tuscaloosa: University of Alabama Press, 1988); Holmes, "Indigo in Colonial Louisiana and the Floridas," pp. 329-49; Lachance, "Politics of Fear"; John Francis McDermott, ed., The Spanish in the Mississippi Valley, 1762-1804 (Urbana: University of Illinois Press, 1974); McGowan, "Creation of a Slave Society"; J. Carlyle Sitterson, Sugar Country: The Cane Sugar Industry in the South, 1753-1950 (Lexington: University of Kentucky Press, 1953). One early nineteenth-century traveler noted that "the price of negroes at New Orleans is dearer than it has been in any colony. This is because the fear born of the insurrection of San Domingo has rendered the importation of that merchandise extremely difficult, and there is so much land to cultivate that no one has enough negroes. Also they are hired out for dearer figure here than at Martinique even. . . . A new negro, that is to say one coming from Africa is sold for four or five hundred piastres {the piastre was equivalent to the peso}; and a creole negro with talents is sold for as much as a thousand or fourteen hundred plastres (Robin, Voyages, II: 112-13). The impact of the French Revolution on Louisiana is examined in greater detail in Chapter 7.

⁶⁵Acts of Ximénez, no. 3, f. 413, 29 August 1792 and f. 510, 19 October 1792.

66Acts of Almonester y Roxas, f. 297, 13 May 1777 and f. 665, 14 December 1779. Between 1777 and 1779 and 1782 and 1783 Bailly bought eight slaves at a total price of 3,552 pesos and sold one slave for 400 pesos (Acts of Almonester y Roxas, f. 297, 13 May 1777; f. 346, 10 June 1777; f. 12, 13 January 1778; and f. 665, 14 December 1779; Acts of Garic, no. 10, f. 607, 20 December 1779; Acts of Mazange, no. 6, f. 814, 25 September 1782; Acts of Perdomo, no. 1, f. 1, 3 January 1783 and f. 187, 5 June 1783)

 $^{67} \rm Acts$ of Ximénez, no. 19, f. 176, 15 September 1803; Acts of Mazange, no. 4, f. 731, 11 September 1781.

 $^{68} \rm Acts$ of Pedesclaux, no. 17, f. 295, 18 April 1793 and f. 297, 19 April 1793.

CHAPTER 6 LEISURE, FAMILY, AND SOCIAL INTERACTION

Although they struggled daily to achieve or maintain respectable living standards, free people of color made time to enjoy the company of whites, slaves, and other free blacks in various ways, all examined in this chapter. New Orleanians participated in the festivities surrounding carnival season and other religious holidays, and they marked baptisms, confirmations, weddings, and funerals each with some sort of celebration. Free blacks also joined whites and slaves at the taverns and gambling tables, playing such illegal card games as "twenty-one" and canasta. Consequently, they all spent time in jail with one another, too. With few exceptions, persons of all colors and classes worked and played together, by choice and necessity.

In the still primarily frontier environment of Spanish New Orleans free blacks, whites, and slaves commonly mingled in the streets, markets, taverns, dance halls, churches, and private homes of the city. Despite the efforts of some religious and secular authorities and individual vecinos, New Orleans society refused to function according to any strict social stratification based on race, class, or legal status. Occasional raids on billiard halls

alleged to house illegal card games uncovered "distinguished" and lower status whites, free people of color, and slaves drinking with and betting against one another. Free blacks and whites formed common law unions, usually without the church's blessings but at least with its toleration. Free blacks also married or had relations with slaves, but they often had to live apart. Even when a white person or slave did not live in the same household with a free black, he or she most likely resided next door to one.

In some matters, however, royal and ecclesiastical officials succeeded in separating whites and blacks, free blacks and slaves, and even free morenos and free pardos. At the Saint Louis Cathedral priests recorded baptisms, marriages, and funerals in two books: one for whites, one for blacks of both free and slave status. When a priest erred in registering the document in the correct book, the concerned party usually insisted that the mistake be corrected. In one case a priest criticized a leading white man for requesting that the name and status of his natural child's mother, a parda libre, be removed from the baptismal record. The record could then accidentally be placed in el Libro de los Blancos, even though the child was a cuarterona, thereby constituting "an injustice and infidelity that would disturb the truth, faithfulness, and sacred legality of the parish books."2

Governors, attorney generals, and cabildo members also expressed occasional concern about free blacks who aspired to white status. In an attempt to exercise some control over the multitude of troops, ships' crews, free blacks, and slaves congregated in New Orleans during the United States War for Independence, the attorney general asked the cabildo to forbid free persons of color to wear masks and mimic whites during the carnival season. With so many strange whites in the city, officials found it difficult to identify the race of masked revelers. 3 A few years later Governor Miró admonished free black women not to don fancy head-dresses, plumes, or gold jewelry; he reserved these items for white ladies of quality. As they had been accustomed to in past years, "negras, mulatas, y quarteronas" had to wear their hair flat or, if in a coiffure, covered with a kerchief. 4 Such a requirement dramatized their inferior social position. In addition, license-granting authorities encouraged free blacks to hold dances separate from the white balls; they experienced more and more success toward the end of the Spanish period.5

Officials also tried to exclude slaves from free black gatherings. The cabildo instructed tavernkeepers to turn away slave customers, not only because they drank their masters' earnings instead of working, but also because they associated with free blacks. The <u>sindico procurador general</u> (attorney general) in particular complained that all streets

within and outside the city walls were open to the public and were always filled with carousing soldiers, sailors, free black and white workmen, and slaves. He wanted to close all offending government-licensed cabarets. Royal authorities feared that free persons of color would incite desires for liberty among the slave population and thus corrupt a docile labor force. Even the paternal slave code of 1789 called for more severe punishments for free blacks than for whites who aided runaway slaves. During the 1790s the actions of free people of color came under even closer scrutiny, as the racial warfare sweeping Saint-Domingue exacerbated always present anxieties about sympathetic collusion between free blacks and slaves.

The government even tried to divide the free black population into groups based on skin coloring. Public documents carefully designated a free person of color as negro, grifo, mulato, cuarterón, moreno, or pardo. Division of the free black militia into moreno and pardo units constituted the most noticeable example of official efforts to separate and possibly exercise greater control over free persons of color. Notarial registers, sacramental records, and other documents for the period, however, indicated that free pardos and morenos transacted business, socialized, and formed friendship and kinship alliances with each other with little regard for skin color. Of course, free blacks recognized that the dominant white population rewarded

resemblance to itself, but in Louisiana and throughout the Americas, cultural behavior as well as phenotype influenced assimilation, acceptance, and patronage. It appears that the free black population in New Orleans was divided more by class than by color, although these factors often coincided. Newly freed or impoverished free blacks usually maintained ties to the slave population, whereas second— or third-generation, propertied free persons of color associated their interests with the white population. These divisions exacerbated the ambivalent role of free persons of color in the society and weakened group consciousness, at least until intensification of Louisiana's plantation system in the nineteenth century.

Residential Patterns

Group identity also dissipated with the constant physical interaction of free blacks, whites, and slaves in the city. Census and notarial records attested to the lack of residential segregation in colonial New Orleans. Free blacks bought, sold, and rented accommodations adjacent to whites. Though concentrated heaviest in the third and then the fourth districts, free blacks occupied houses on almost every city block. Table 6-1 presents population percentages for each group by district in 1795 and 1803.8 Perusal of census returns indicates that not only did free people of color reside next door to whites and slaves, but also in

Table 6-1
Population Percentages by Quarter,* New Orleans
1795 and 1803

				4000
		1795		1803
Group	1st	2nd	3rd	1st 3rd 4th
Whites	48	39	33	50 35 50
Free Blacks	9	11	35	14 38 25
Slaves	43	49	28	37 28 25
TOTAL %	100	99+	100	101+ 101+ 100
N	1,480	1,335	1,513	1,494 2,088 884

* Returns for the fourth quarter, 1795 and for free blacks in the second quarter, 1803 are missing.

+ Rounding errors.

Sources: 1795 Census; "Census of the City of New Orleans, 1803," New Orleans Municipal Papers, box 6, folder 14, HTML, Tulane University.

the same households with them. Economic considerations drew free blacks into white households, where they worked as apprentices, domestics, housekeepers, and laborers. In addition, free people of color rented rooms or floors to and from white persons.

Cohabitation: Whites, Slaves, and Free Blacks

Whites also lived as husband and wife with free blacks and slaves, either permanently or temporarily, formally or informally. Such relationships were illegal, but officials rarely enforced the law, probably because they were breaking it, too. Travelers to New Orleans in the late Spanish and early United States period noted the custom of <u>placage</u>, a carryover from the French West Indies. According to this

arrangement, the mother or parents of a young free woman of color "placed" their daughter with a desirable white man, who set up a home for her separate from that of his white family. During most of the Spanish period plaçage did not function as an institution because Spain, unlike the United States, permitted mixed racial marriages in its colonies. The Spanish government and church tolerated casual unions between whites and free people of color, and there was little need for a distinct custom like placage. 10

As already pointed out in Chapters 2 and 5, some white men acknowledged their free black or slave consorts and natural children in wills, inter vivos donations, and sacramental records. Don Pedro Cázelar -- single, thirty-two years old, and a native of New Orleans -- affirmed that he and the parda libre Carlota Wiltz had produced four daughters, all between the ages of five and ten. In his will he left the mother and daughters a morena slave and her four children, furniture, household goods, one thousand pesos, and a farm located next to land owned by Don Joseph Dusuau. 11

Dusuau himself acknowledged numerous mixed-blood offspring by several free women of color. In one will dated 14 June 1794 he named six natural children by three free black women: Rosalia, thirty years, daughter of the deceased parda libre Rosa; Luis Dusuau, son of Jaquelina Lemelle, parda libre, also deceased; and Francisco

(seventeen), Adelaida (ten), Melita, (five and a half), and Sinfort (three and a half), children of the parda libre María Dusuau. To each child Dusuau donated money and one slave, and to María Dusuau he also gave a slave. He named Luis guardian of the minor natural children. In addition, Dusuau willed land and a house to two free pardos, the natural children and orphans of Don Francisco Demasilière (Dusuau's uncle) and María Bienvenu, morena libre. The remainder of Dusuau's possessions went to his legitimate white offspring. Dusuau evidently continued his sexual relationships with nonwhite women; in 1802 he manumitted graciosamente his parda slave and her two cuarterona daughters, Adelaida (five) and María Eulalia (two). 12

In turn, some free women of color bore children by two or more different white men. María Laveau, a free morena, had at least two daughters, one by an unidentified white man and another by Patricio Conway. An unmarried wholesale merchant from Ireland, Conway stated in his will that his one natural daughter was María Conway, the fourteen-year-old child of María Laveau. ¹³ Laveau petitioned the court for the freedom of her other daughter Roseta, parda slave and concubine of Mr. Francisco Aimé. Documents supported Laveau's contention that Roseta had lived "en calidad de muger con su amo" (with her master as his wife) and bore him three children, all of whom died as a result of mistreatment. Laveau thus claimed that the court should

manumit Roseta without compensating Aimé. In the end she purchased Roseta's freedom for 425 pesos. 14

Although several whites did not publicly recognize their free black or slave consorts and offspring, these common law unions can be deduced from a compilation of documents, as previously delineated in Chapter 2. Dusuau's manumission of his slave and lighter-skinned offspring above constitutes one more example. In addition, in the three districts with census returns for 1795 fifty-five white male heads of household resided with free black women and children in what were most likely consensual unions. Their occupations included wholesale merchant, military officer, navy captain, commissioner, school master, surgeon, shopkeeper, tavernkeeper, billiard hall owner, actor, silversmith, cooper, carpenter, butcher, barber, sailor, fisherman, and carter. 15

After receiving special permission, a white and free black couple could marry in the Catholic church in many colonial societies. A scholar of Saint-Domingue notes that "even during the last few decades of the colony, marriage between . . . impecunious white Frenchmen and comfortably placed women of color were common enough to inspire bitter comment." Although such marriages were not common in New Orleans, they occurred frequently enough to cause Fray Firso de Peleagonzalo to assume that Don Juan Antonio Lugar and the parda libre María Juana Prudhome were wed, when actually

they had lived in a state of public concubinage for four years. A native of Havana, Prudhome was herself the natural daughter of Mr. Prudhome and Angélica Forest, morena libre. After Prudhome bore Lugar a daughter, she presented herself to the priest in order to receive benediction. In his own words Peleagonzalo expressed his surprise: he "had not even suspected that {Prudhome} was not the legitimate wife of Lugar, as there were in New Orleans other whites married to mulattos."17 Another parda libre and tavernkeeper, María Theresa Cheval, petitioned to have an ecclesiastical tribunal register the promise of marriage that Phelipe Lafarga, a white tailor, contracted with her in Havana. Before the marriage banns were proclaimed, Lafarga and Cheval departed for New Orleans, where they lived for two years without completing the banns. One witness testified that Cheval's owner in Havana had manumitted her specifically so that she could marry Lafarga. 18 Either the tribunal failed to force Lafarga, or Cheval gave up, because she continued to reside in New Orleans but not with her untrustworthy fiancé. 19

Free persons of color also formed unions with slaves. Uneven sex ratios in the free black population prompted free women of color to seek mates among slaves, and both free men and women of color who wed while in slavery continued their relationships with still-enslaved partners. In 1803 the free morena Mannon Arnoult purchased the freedom of her

forty-one-year-old slave husband, Santiago Arnoult, from the sisters of the Ursuline convent. Three days later the sisters manumitted the moreno slave Antonio, fifty years of age, when his wife, the free morena Roseta, paid them 400 pesos.²⁰ The free morena Manon Sassier had a natural child by a moreno slave belonging to Mr. St. Martín while she was still a slave herself. In her will dated July 1797 she requested her executor to purchase a carta de libertad for her son, who was now thirty years old.²¹ Two years earlier the pardo libre Luis Girardin paid Mr. St. Martín to manumit his wife and children. Girardin claimed that St. Martín mistreated Girardin's offspring and their mother, Modesta Prudhome, a mestiza.²²

Several free people of color acted as prescribed by the church and crown and married persons of the same race and status. As noted in Chapter 4, marriages between free blacks often linked kin, friends, and militia members. In some cases official ceremonies conferred legitimacy on more casual unions. Father Joseph de Villaprovedo married José Fich and Moneta Arlu, both pardos libres, in 1796. Fich and Arlu had been living in a state of public concubinage and wanted to marry, but the expense of a wedding detained them.²³ Several other free black couples most likely faced the same dilemma, as did whites. The problem became so acute as to prompt the attorney general in 1800 to complain before the cabildo about the high cost of marriages and

burials, an especially deleterious situation considering that the Capuchin fathers would not bury or marry anyone until paid in full. 24

Free blacks usually married someone with similar skin coloring, and their unions often endured many years. 25 In her will the free morena named Angélica stated that she had been married to Roberto Horry, moreno libre, for thirty-five years and that they had two free moreno children. 26 Before Francisco Durand, free pardo, wed the free parda Luison Mandeville, each party presented sworn statements as to his or her character and single status. Testifying for Durand were two white men: Andrés Normant and Sebastian Annaut. The latter was a twenty-six-year-old native of Barcelona who had known Durand for a total of nine years, three in Veracruz where their parents resided and six in New Orleans. María Dupart and Margarita Vellier, both free morenas, stated that they had known Mandeville since birth and that she was a good Christian and not promised to any other man. 27 María Juana's will dated 24 November 1801 stated that she was the legitimate daughter of two free morenos, wife of another free moreno, Pedro Tomás, and mother of seven moreno children. Her oldest daughter, Mariana, was forty-four years of age and married to the free moreno Manuel Noël Carrière. 28

<u>Consanguineous and Fictive Relationships:</u> The Good and the Bad

In addition to matrimony, other types of familial association linked New Orleans free blacks to one another in ways that could benefit or antagonize, promote group and family cohesiveness or tear it apart. The death rate in New Orleans, as in most eighteenth-century urban centers, was high and life spans were short, trends exacerbated by a notoriously unhealthy climate. Visitors to the port lamented and local authorities tried to ameliorate the

clogged drains; pools of stagnant and fetid water in all sections of town and in the gutters of all the sidewalks . . .; garbage and dead animals lying all over the streets; burials of strangers made without supervision, and those of Roman Catholics too close together for the nature of the soil.²⁹

Spouses, parents, and siblings usually died before personal relationships became strained and necessitated separation and violence. In most cases, such precarious daily conditions drew family and friends together; people worked in tandem to survive.

Free black kin frequently pooled their resources to purchase property, and to ensure that this property remained in the family they appointed kin as guardians of their children or named them as heirs. For example, in late 1802 the pardo libre Agustín Dauphin purchased seventeen arpents of land just outside New Orleans in the Barataria district and subsequently donated it to his three brothers, Joseph, León, and Justín, all free pardos. At the same time,

Agustín and his other brother Francisco together bought two large plots in Barataria -- one forty arpents wide, the other twenty-four arpents wide, with the usual depth of forty arpents. 30 The free parda sisters Constanza and María Rosa Forneret sold a half plot of land they jointly owned to the free parda Francisca Chabert; the land adjoined that of their other sister Feliciana Forneret, parda libre. Two years later Feliciana had died and appointed Constanza quardian of her three minor children. Constanza and another sister Angélica gave power of attorney to their brother Carlos Forneret to represent them in any challenges to Feliciana's will. 31 After purchasing a half plot of land on Calle Nueva de la Aduana in New Orleans from her former mistress Doña María Luisa Darensbourg, the free morena Margarita Darensbourg donated it to her niece, the morena libre Inéz Boisclaire. Inéz's mother and Margarita's sister Victoria was Doña Darensbourg's slave. Margarita stated that she donated the property to Inéz in gratitude for the many services Victoria had provided Margarita. 32 Another aunt, the free parda María Francisca Riché, named Mariana, parda libre and daughter of Riché's sister Elena, heir to her considerable estate. Riché, however, instructed her executor to purchase the freedom of her brother Pedro, her sister María Luisa, and María Luisa's two children before Mariana inherited the remainder of her aunt's goods. 33

Fictive kin networks reinforced friendship and consanguine relationships among New Orleans' free people of color. Throughout the Latin world -- past and present -- godparenthood has served to connect people both horizontally and vertically within a social hierarchy through a system of reciprocal obligation. "In use, godparenthood is joined to other kinds of ties, and this total complex of the sacred and the secular determines who is selected to enter the relationships." In colonial societies like New Orleans patronage, godparenthood, and family intertwined, crossing, uniting, and usually strengthening the social and racial order. Free blacks participated in this process of building community solidarity.

More significantly, fictive kin relationships among free persons of color were conducive to group cohesiveness; free blacks usually turned to each other for sponsorship rather than to white persons or slaves. In many cases the godparents of a free black child were also members of the parents' family, 35 but not always. When José Manuel Chico wrote his will, he designated the six-year-old morena libre named María Francisca as his heir. Most likely because María Francisca's mother was still enslaved, Chico appointed María Luisa Venus, a morena libre and godmother of María Francisca, as the minor's guardian. 38 Free black godparents also named their non-relative godchildren as heirs. In April 1786 Naneta Chabert, a parda libre and native of New

Orleans, died without marrying or having children. Her will stipulated that her goddaughter Luison Mandeville and Luison's husband Francisco Durand, both pardos libres, inherit Chabert's entire estate, including land near New Orleans and Baton Rouge, slaves, and ten cartloads of rice. Chabert must have felt stronger ties to her goddaughter than to her mother, who was still alive in Mobile. 37 On a smaller scale, the morena libre Angélica Pascal in her will donated 100 pesos to her godson Narciso, a pardo libre and the natural son of Luis Alegre, a white man. Pascal divided the rest of her estate among her nieces, nephews, and friends. 38

Associations between free black kin were not all rosy, though. Limited resources sometimes incited contests for control of the family's resources among heirs. Exemplifying the stereotypical in-law dispute was one free pardo's efforts to have his free parda mother-in-law declared mentally incompetent and thus unable to care for her estate.³⁹ He undoubtedly hoped that the court would designate him guardian.

Court records also indicate that parental favoritism strained sibling relationships. When the moreno libre Santiago Coursiac wrote his will, he stated that he had given his natural son, the moreno libre Carlos Meunier, a piece of land and that he, Coursiac, had stood as guarantor for a 250-peso loan Meunier had made. The will also

stipulated that if Meunier did not repay the loan, the land gift was to be returned to the estate in compensation. One year later Coursiac's executor sued Meunier for collection of the debt or return of the gift. In defense Meunier avowed that his father's will was unfair; Coursiac had given his legitimate son Estevan Peraux 860 pesos to purchase his freedom and had left the remainder of his estate to his enslaved grandson with instructions to purchase a carta de libertad. Although generous, Coursiac failed to distribute his assets evenly among family members, thereby instigating discord. The executor eventually dropped the case due to rising court costs.

One unusual case of sibling factionalism involved the natural children of Don Francisco Emanuel Demasilière and the morena libre María Bienvenu and Bienvenu's other children, who were moreno slaves owned by their pardo half-brothers. The troubles were created in large part by Don Francisco and his legal representatives. In 1782 he manumitted graciosamente his morena slave María, age thirty-one, and her pardo son Pedro, four months old. When Don Francisco wrote his will in 1783 he stipulated that in remuneration for her services his former slave María Bienvenu was to receive four moreno slaves — Basilio, Henrique, Rosalia, and Hiris — who were also her children, evidently by another slave or free moreno. Bienvenu could enjoy the use of these slaves during her lifetime, but she

could not sell them, and when she died they were to go to her and Demasilière's son, Pedro Baltazar, then eighteen months old. Before he died, Demasilière and Bienvenu had another son, Pedro Agusto, and he too was incorporated in his natural father's will, although Demasilière's and Bienvenu's daughter Clemensia was not. In 1794 Clemensia Demasilière, parda libre, appeared before the tribunal to obtain the freedom of her half-sister, the morena slave María Iris. María Iris' owners were Pedro Baltazar and Pedro Agusto, the brothers of Clemensia and half-brothers of María Iris. Clemensia paid 450 pesos to manumit María Iris. Seven years later Clemensia brought her brothers, or rather their guardian, before the tribunal again, this time to request the freedom of their other half-sister Rosalia, a morena. Clemensia paid 400 pesos for her freedom. 41

Most likely the two Pedros were too young to comprehend the intricacies of the case; maybe they were not even aware that the slaves they owned were their half-brothers and sisters. Even though their guardian was acting on his charges' behalf, an amicable agreement on the purchase price of María Iris and Rosalia probably could have been arranged without resorting to the deliberations of a tribunal. The bulk of the blame for tearing apart this family, however, rested on Don Francisco, the powerful white patron who manipulated his natural family's lives. One can only imagine the contradictory feelings María Bienvenu must have

experienced; she owned her children as slaves, not able to manumit them and forced to pass them on to her other children, all because the provisions of a white man's will decreed it so.

In addition to sibling and parent-child dissension, there was tension and sometimes violence between marital couples. Despite powerful social norms and efforts by couples and church authorities, some marriages between free persons of color experienced difficulties and even failed. The pardo libre Juan Bautista San Julián requested that his wife Juana Catharina, parda libre, return to marital life with him. In order to finish paying for his freedom, he had contracted to work as an overseer on a plantation distant from the city, and Juana Catharina, acting on some misguided counsel, refused to accompany him. Juana Catharina claimed that San Julián had never shown her any kindness, and she feared he might mistreat her. She thus asked for separation of bed and board. The court ignored her plea; it ordered her to leave with her husband and to live in union and with the concordance required of the marital state. 42

The free moreno Joaquín, alias José Pueso, a native Saint-Domingue, also requested the court to force his wife, the morena libre María Theresa, to return to him. Joaquín stated that she left him two years ago without cause or formal divorce to live with Antonio, a white man known as el Gallego (the Galician). María Theresa told quite a

different story. Through scandalous behavior, verbal and physical abuse, scorn, and neglect, Joaquín had made her life miserable. He worked from day to day as an unskilled laborer and failed to provide her with basic necessities. In addition, when she had the measles, Joaquín deposited her at her father's house until she recovered four months later. To prevent any further abuse she fled and now requested separation or perpetual divorce. The court dropped the case when the two parties appeared and stated that they had compromised and agreed to return to married life once more. 43 Lack of a better alternative most likely kept them together.

The above cases and the one that follows indicate that free black males sometimes translated their personal frustrations into anti-social behavior directed at women. In 1803 Josefina Malbroux, a thirty-two-year-old morena libre, sued for divorce from her husband of three months, the moreno libre Juan Baustista Marigny, alias Guadaly. Apparently without any motive he suddenly disrupted their conjugal harmony by verbally abusing her and beating her on several occasions with either a horse whip or a stick, which left marks on her arms and face. These attacks culminated in a threat to kill her by suffocating her with a rope. Only the interference of a neighbor halted the strangling. After seeking refuge in her mother's house, Malbroux

appeared before the court to request a divorce and return of her dowry, furniture, and clothes.

The couple reconciled, but one month later Malbroux was back in court. An increasingly violent Marigny had thrown her out of their house in front of all the neighbors, who supported Malbroux's claims. Witnesses stated that Marigny was widely known as a thief and accomplice of runaway slaves. This time the court agreed that Marigny could not be reformed and granted Malbroux a divorce.⁴⁴

Religious Activities

In addition to marrying in the church, most free persons of color received baptism and burial, attended masses, and celebrated religious holidays, as did other members of the society. Whether slave or free, persons of African descent in New Orleans practiced the Catholic faith, at least in name. They most likely preserved some African and Caribbean rituals that were reinforced by mass importations of slaves in the 1780s and early 1800s, but in the urban setting whites surrounded and intervened in almost all personal activities of black persons. White apprehensions of subversive activity among large groups of African slaves and free blacks in the context of the Saint-Domingue rebellion forced the performance of African religious practices into the back rooms or the outskirts of the city. The "sight of twenty different dancing groups of

the wretched Africans, collected together {in the rear of the town} to perform their worship after the manner of their country" compelled one early nineteenth-century eyewitness to recount the gathering's music and dancing to a correspondent. On one Sunday in 1799 another visitor remarked on the "vast numbers of negro slaves, men, women, and children, assembled together on the levee, . . . dancing in large rings" at the edge of town, not necessarily but most likely for religious purposes.

Although slaves and newly freed Africans practiced their non-Catholic religious beliefs overtly -- but cautiously and usually within a controlled setting -- most free persons of color followed the prescriptions of the dominant Catholic religion. Astute free blacks were well aware that "Spaniards, and especially hispanised Frenchmen, consider all who are not Catholics as beasts."

The majority of colonial New Orleans' free people of color aspired to white acceptance and patronage. The cultural historian Fiehrer perceives many divisions between slaves and free blacks but especially in terms of religion, "the free colored generally adhering to orthodox Catholicism, the slaves frequently retaining their original religious orientation."

In New Orleans, however, it appears that both free blacks and slaves constituted New Orleans' most active churchgoers. One contemporary observer noted that "women,

Negroes, and officers of the governor's staff are almost the only people who go to church."49 Records of fees collected for services show that between 1791 and 1795 the Cathedral of Saint Louis garnered 6,799 pesos from whites and 4,181 pesos from persons of color, a substantial amount considering that the majority of free blacks and slaves were impoverished. The church charged all persons equal fees regardless of race or status, a practice not observed in most of Latin America. 50 From 1790 through 1792 the cathedral held funerals for 293 white adults, 164 white children, 120 free black adults, 235 slave adults, and 145 slave and free black children. Proportions paralleled those for each group in the total urban population, with whites and free black adults slightly overrepresented and slaves and free black children slightly underrepresented (Table 6-2). Given the cost of a funeral -- usually around nine pesos -- it is remarkable that so many free persons of color and slaves (or their masters) could afford one. Indeed, a priest noted that the lavishness of one free woman of color's funeral eclipsed that of most distinguished white persons. 51 Exiting the world in proper fashion weighed upon Catholic New Orleanians of all colors.

Additional religious celebrations revolved around baptisms, marriages, and such holy seasons as Christmas and Lent. Pomp and solemnity surrounded the baptism of the natural daughter of Don Juan Antonio Lugar and the parda

Table 6-2 Comparison of Funerals and Total Population, By Race, Status, and Age, New Orleans, 1790-1792

	Fune	rals	Total Population	
Group	N	8	N	*
White Adults*	293	30.6	1,349	28.0
White Children	164	17.1	716	14.9
Free Black Adults	120	12.5	481	10.0
Slave Adults Free Black and	235	24.6	1,358	28.2
Slave Children	145	15.2	912	18.9
TOTAL	957	100.0	4,816	100.0

^{*} Adults included persons age fifteen and older, children age fourteen and younger.

Sources: "Statement of Income Earned From Funerals," Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, Roll 3, 10 December 1792: 1791 Census.

libre María Juana Prudhome on 24 June 1793. As the organ and church bells played, the midday ceremony attracted a large crowd of white and free black persons. The officiating priest declared that he had not witnessed such a large gathering, even for the baptisms of the mas grandes señores. Following the ceremony, a retinue of twenty or thirty individuals accompanied the parents to a private party and banquet in their home. Among them were several military and government officials and leading vecinos, who toasted the baptism, the father, and the mother with such noise and song that they were heard throughout the neighborhood. Eight years later Prudhome married the pardo libre Joseph Cabaret in the cathedral. Included in her premarital goods was the sum of 325 pesos that Lugar had

given her to care for the two natural daughters she had had by $\mbox{him.}^{52}$

The church fathers constantly strove to attend to the moral character of New Orleans' notoriously decadent, disparate population in whatever way possible. Church-sponsored attempts to direct moral behavior included planned festivities that enticed parishioners into the church and away from "deprayed" forms of recreation. For the spiritual benefit of the town the bishop in 1796 arranged to hold a feria (fair) in the cathedral on the Sundays of Lent. He urged town magistrates to attend these fairs and establish a commendable standard of conduct for the hordes of all classes and colors expected to attend. Cabildo members agreed to attend but on an individual basis and not as a body; they too pursued many occupations that consumed their Sundays with non-religious activities. 53 Apparently parishioners preferred to be entertained rather than subjected to pious preaching in their church, and their spiritual keepers recognized this preference. More than one visitor to New Orleans admired "the policy of such an accommodating system of religion, which, while it provides for the salvation of the soul, takes care it shall not interfere with the more important pleasure of the body. "54

In some cases the general populace assumed responsibility for regulating moral conduct. This censuring took the form of a charivari, a noisy, masked demonstration

designed to humiliate wrongdoers in the community. In particular, neighbors staged a charivari when there was an age or wealth disparity in a marriage: an elderly or rich man marrying a very young or poor woman, or vice versa. Such a marriage upset the natural order and withdrew an otherwise eligible and prized member from the pool of single persons. Society thus demanded retribution in the form of public embarrassment, money, and foodstuffs.⁵⁵

Few direct references to charivaris exist for colonial New Orleans, but they must have occurred frequently enough to compel one woman to seek relief from the humiliating experience. In 1803 Luisa Julia Saulet, the widow Lambert, married Luis Chobain, apparently considered a desirable mate by others in the community. As a widow Saulet wanted to avoid "the merriment of a charivari" and asked the ecclesiastical tribunal for dispensation from the three required marriage banns. The tribunal granted her request. 56 One year later the widow of Don Andrés Almonester y Roxas, Luisa de la Ronde, married a man seven years younger than she. In the words of one author, "this union so irritated the townspeople that they vented their disapproval by subjecting the couple to a three-day charivari, the like of which had not been seen before and was never seen after." Widow Almonester curtailed the spectacle by relinquishing a large sum of money to the crowd, who in turn donated it to the city's orphans. 57

Other Social Diversions

During major holidays and throughout the year New Orleans free blacks joined whites and slaves in several popular forms of amusement. Scholars of early modern European societies have attempted to make sense of popular recreations, refusing to dismiss them merely as "means of blowing off steam." In particular, Natalie Zemon Davis argues that rather than serving only to deflect "attention from social reality, festive life can on the one hand perpetuate certain values of the community (even guarantee its survival), and on the other hand criticize political order."58 In many ways the behavior of Davis' artisans and lower classes in the villages of France paralleled that of free people of color and slaves in eighteenth-century New Orleans. When free blacks and slaves wore masks and dressed in costumes during carnival season, they disguised their second- or third-class status and mimicked socially superior whites. This "turning the world upside down" actually reinforced the legitimacy of the social order; persons of African descent recognized their place and only temporarily and illegitimately escaped it. At the same time, however, they condemned an order that discriminated against them based on their skin color.

Aware of this criticism and its potential dangers, government officials and white colonists in Louisiana sought to difuse it through regulation. As paranoia about a second Saint-Domingue sweeping Louisiana spread in the 1790s, official proclamations prohibited free blacks and slaves from masking during carnival and established separate balls for whites and free people of color. Under United States rule these divisions were further cemented. In 1808 Christian Schultz noted that "the fashionable part of the city is divided into two parties (whites and free persons of color), who have each their respective ball-rooms."59 Racially segregated dance halls replaced the tricolor balls held during the Spanish period at "the famous house of Coquet, located near the center of the city, where all that scum is to be seen publicly." This particular observer lamented that the balls were "not at all secret," noting that he had "several times seen the printed announcements posted at the street corners, with the express permission of Monsieur, the civil governor (Don Nicolás María Vidal)."60

In late eighteenth-century New Orleans forms of cultural play included cockfights, fireworks displays, card games, billiards, parades, fêtes, and dances. Governor Miró's 1786 Bando de buen gobierno stipulated that in the interest of public tranquility the government would not allow fiestas or large gatherings without official notice. 61 Magistrates periodically issued permits to free persons of color to stage cockfights and other amusements, and these permits were transferable. After Governor Carondelet granted a license to José María Jacques, pardo libre, and

Francisco Barba, moreno libre, to set off fireworks and stage cockfights on <u>los dias de fiesta</u>, Jacques sold his share of the lucrative privilege to the free pardo Francisco Hardy for 110 pesos 4 reales.⁶²

Residents of New Orleans also enjoyed the company of their neighbors and visitors along thoroughfares in and around the city. Walking and riding along the banks of the levee, the Bayou Road (leading to Bayou San Juan), and the Carondelet Canal, New Orleanians enjoyed cool evening breezes, picturesque scenery, and chats with acquaintances all dressed in their best attire. One sardonic traveler reported that pretentious colonials on the Louisiana frontier used these roads as promenades,

where it is stylish to go out riding when the weather is fine, either on horseback or in carriages more or less elegant, for one or two hours in the evening --not indeed to enjoy the advantages and pleasures accompanying that exercise, . . . but to make a show, . . . of some appearance of luxury. ⁶³

Lamenting the absence of public gardens in New Orleans, another contemporary noted that "the Levee after sunset is crowded with company, who having been confined all the day to their homes, seldom miss this favourable opportunity of breathing a little fresh air." ⁶⁴ The promenaders surely included free people of color, most of whom could not afford the luxury of remaining in their homes during the day but who liked to mingle socially with each other, their white patrons and friends, and slave acquaintances.

New Orleanians of both races also patronized and performed at the city's one theater that opened 4 October 1792. Listed in the census returns for the 1790s were comedians, musicians, and actors who staged operas, vaudevilles, and dramas until 1803, when city officials razed the dilapidated building that housed the theater. By the next year, however, a white Saint-Domingue refugee had remodeled and reopened the popular theater. Among the actresses were several cuarteronas from Saint-Domingue. Their talents bothered such colonial leaders as Governor Miró, who wrote to Don Joseph Delfau de Pontalba: "You are right in saying that if the quadroon actresses continue to receive public favor in the theatre, they and others of their class might be encouraged to aspire to greater privileges than good custom dictates."65 Following the pattern of dancehalls in the late eighteenth and early nineteenth centuries, the theater was segregated by color; whites sat on the lower floor and people of color in the balcony. As was true of most forms of entertainment, "the fullest and most brilliant audience is always collected together on a Sunday evening."66 During the Spanish period proceeds from the lottery and licensing fees for public dancehalls financed upkeep of this playhouse, called "El Coliseo" (the Coliseum).67

Dancing was by far the most favored public diversion and played a large part in carnival celebrations lasting

from the first of the year until Lent. Eating, drinking, and dancing all combined at private fêtes, where according to the French visitor Berguin-Duvallon "a stupid uproar reigns . . . in the assemblage of the guests who go thither without any order. I can not accustom myself to those great mobs, or to the old custom of the men . . . of getting more than on edge with wine." Berquin-Duvallon observed that such fêtes enlivened the slow, dull, inactive winter months in urban and rural areas and that all sorts of persons participated. On plantations outside New Orleans slaves gathered after laboring all day in order to perform African and European dances. These nocturnal assemblages became so widespread as to incite official concern: Miró's Bando prohibited slave gatherings unless the master gave his or her permission and no slaves from other plantations attended without written permission from their master. Within the city Miró also forbade until after vespers "los tangos, o bailes de Negros" that ordinarily convened in the Plaza de Armas on fiesta days. 68

Free blacks in New Orleans organized balls that attracted all sorts of persons and increased in size and frequency as the number of free blacks in the city rose. The dances allowed free persons of color to vent emotions and stress, provided them with opportunities to plan events over which they had primary control and responsibility, and encouraged a sense of comradery and group identity. Free

blacks valued these public dances and continually petitioned the cabildo for permission to hold them on a weekly basis, as noted in Chapter 4. Just as regularly, the attorney general, claiming to act in the public interest, requested that the governor and cabildo prohibit the dances. He usually did not succeed.⁶⁹

Financial matters overrode worries about undesireable free black and slave activities and tied the fate of El Coliseo to continuance of free black balls. Although it attracted large audiences, the theater lost money with each season; in 1799 leading art supporters appealed to the governor and cabildo for subsidies. Seizing the opportunity, Bernardo Coquet and José Boniquet, proprietors of the St. Peter Street ballroom where free blacks held their dances, offered to underwrite El Coliseo for one year if officials would grant them the exclusive right to hold public dances for free people of color. Over protests from the attorney general, the governor issued Coquet and Boniquet permits to operate public dances each year, an activity they pursued into the American period. In addition to frequenting this official ballroom, free blacks in New Orleans also danced at the city's numerous taverns, billiard halls, and private residences. 70

Although local authorities preferred separate dances for whites, free blacks, and slaves, residents of New Orleans usually cavorted in mixed company. Free persons of color provided the music at many white gatherings. Masked slaves and free blacks occasionally disrupted carnival balls, their identities hidden behind ingenious disguises. In 1781 the síndico procurador general noted that the war between Spain and England had deposited a great multitude of troops and ships' crews in New Orleans. Because of this and the growing number of free blacks and slaves in the city, he recommended that the cabildo prohibit all forms of masking and public dancing by blacks during the carnival season. 71 Officials also complained that slaves attended some free black balls without permission of their owners. One snobbish white commentator was especially bitter:

A public ball, where those who have a bit of discretion prefer not appear, organized by the free people of color, is each week the gathering place for the scum of such people and of those slaves who, eluding their owner's surveillance, go there to bring their plunder. ⁷²

Prosperous whites and free persons of color mingled at a dance held at the home of Esteban Lalande, pardo libre; a visitor noted that the guests were not wearing masks and thus had to guard their words and actions. 73 On another occasion Lalande entertained only free persons of color at a ball in his home.

Finally, free blacks -- primarily males -- joined whites and slaves at the gaming tables commonly located in dance halls and taverns. Visitors to New Orleans frequently commented upon the love that New Orleanians of all social stations possessed for sites of recreation that combined

billiards, card playing, drinking, dancing, and prostitution. Berguin-Duvallon critically observed that

At the corners of almost all the cross streets of the city, and its suburbs, are to be seen nothing but taverns, which are open at all hours. There the canaille, white and black, free and slave, mingled indiscriminately, go to bear the fruit of their swindlings, and to gorge themselves with strong drink. ⁷⁴

He also noted that generations of males gave "themselves to their passion for play, and to squander more or less their moderate resources," or they chose "to revel and dance indiscriminately and for whole nights, with a lot of men and women of saffron color, or quite black, either free or slave." His jaundiced view of "the canaille" paralleled that of most upper-class New Orleanians, who could afford to partake of liquor, games, and illicit women in the privacy of their own homes. Even "gentlemen," though, amused themselves with "billiards abroad, and cards at home, or at some appointed house: and it is said they are generally too much attached to the bottle after dinner."

A municipal law sanctioned in 1771 and a royal law decreed from San Lorenzo in 1778 prohibited the playing of games of chance in establishments dealing with the public, such as taverns, inns, and houses that also served as business establishments. Miró's Bando reiterated the provisions of these laws and also imposed a curfew; police patrols could arrest anyone seen on the streets of New Orleans after nine o'clock in the evening during winter

months and after eleven o'clock during summer. According to one observer, however, the "government is aware of and permits all of that; and woe unto the minor official who would want to stop it." Besides, police patrols probably could not make out furtive shapes slipping along the city's streets, where "lanterns . . . placed only at each cross-street and consisting of three small lights on winter nights, illumine for only ten paces and leave all the rest of the space in total darkness."

In the early 1790s the newly appointed Governor Carondelet intensified official raids on taverns and billiard halls. Police patrols usually arrived at suspect institutions at night and barged into back rooms to find "gente de todas clases y colores" drinking and playing the prohibited card games twenty-one and canasta or participating in raffles. Most offenders escaped through back doors, but the police often caught at least one free black person. In March 1791 the sergeant major snared three whites, one slave, and the moreno libre Luis Carrière. He later discovered two white soldiers hiding and the owner of the billiard hall, Pedro Alarcón, who was fined fifty pesos and released. The others spent ten days in jail.79

Five months later the intendant, acting on a tip, inspected a billiard hall and tavern operated by Juan Freyre, known as Juanico el Gallego, where he found "negros, mulatos, paisanos, artilleros, y soldados del Regimento."

The intendant arrested Freyre, a white corporal, a white hospital employee, and a pardo libre named Francisco Livaudais. Freyre paid a twenty-five peso fine and the others an undisclosed amount of money, but Livaudais possessed no goods and thus had to serve a jail sentence of ten days. 80 A raid in 1792 turned up no free blacks, but the sergeant major seized an unusual prize: the distinguished vecino, Don Diego de Silveyra.81 One year later officials discovered fourteen or fifteen persons playing cards at the house and shop of a young shoemaker, Agustín Díaz. They apprehended four whites and a free moreno named Pedro Larronde, age fifty. A patron at Diaz's shop, the moreno libre Matheo Cotilla, testified that he had not seen anyone playing twenty-one or canasta that night. Larronde admitted to playing cards but stated that he had not recognized anyone else who was playing. He most likely "played dumb" to prevent the arrest of his accomplices and to ensure a position at gaming tables in the future.82

Conclusion

Records for the Spanish period of New Orleans' history tell of the social diversions and kin relationships that helped make New Orleanians' daily struggle to survive bearable. Persons of various races, classes, and legal statuses participated in social -- and what their society deemed anti-social -- activities together, even though

officials made sure that each member was aware of his or her place in that society. In fact, many leisure events, especially those celebrated in conjunction with carnival season, served to reinforce the social order while at the same time allowed members to express injustices.

As free persons of color mingled with whites on the streets and promenades, in houses, markets, and shops, and around card tables, bars, and dance floors, they adopted hegemonic white cultural values and eroded the solidarity of free persons of color as a distinct group with distinct interests. New Orleans' free people of color primarily identified with and aspired to white values, just as did most free blacks in three-caste plantation societies throughout the Americas. On the other hand, consanguineous and fictive kinship ties, militia service, and white discrimination drew free persons of color together. The forces of decentralization, however, overpowered those of centralization; free blacks in Spanish New Orleans maintained their anomalous position in the city's society, linked to both slave and white populations in different ways until overt discrimination in the antebellum period tended to coalesce the threatened free black population into a more cohesive entity.83

Notes

¹For example, Clara López de Peña instituted proceedings before the ecclesiastical tribunal to prove that she was of Amerindian descent and to have her daughter Luisa's baptismal record transferred from el Libro de los Negros y Mulatos to el Libro de los Blancos. Luisa's natural father was Don Luis Declouet, a lieutenant in the fixed infantry regiment of Louisiana. The court granted her request (Proceedings by Clara López de Peña, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, Roll 8, 14 September 1799). Not all individuals were as diligent, especially dead ones. The black funeral books occasionally registered indios and mestizos (See examples in Funeral Register of the Church of St. Louis, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, Roll 2, 1789 and 1790).

 $^2\mbox{Court Proceedings of Quiñones, no. 6, 10 September 1793.$

³RDC, vol. 2, 19 January 1781.

⁴Miró's <u>Bando de buen gobierno</u>, article 6, RDC, vol. 3, no. 1, 2 June 1786.

⁵Henry A. Kmen, <u>Music in New Orleans: The Formative Years</u>, 1791-1841 (Baton Rouge: Louisiana State University Press, 1966), pp. 42-46.

⁶RDC, vol. 3, no. 2, 27 May 1791; RDC, vol. 4, no. 3, 7 February 1800 and 13 February 1800; Klein, <u>African Slavery</u>, pp. 217-42; Liljegren, "Jacobinism in Spanish Louisiana," p. 58.

⁷Patricia Seed ("Social Dimensions of Race: Mexico City, 1753," <u>Hispanic American Historical Review</u> 62:4 (November 1982): 569-606) convincingly argues that race was a relative concept and linked to physical appearance, economic status, occupation, and family connections. For further discussion of the anomalous position of free people of color in American slave societies and their cultural attitudes see Cohen and Greene, <u>Neither Slave nor Free</u>; Degler, <u>Neither Black nor White</u>; Foner, "Free People of Color,"; Karasch, <u>Slave Life in Ric</u>; and Loren Schweninger, "Prosperous Blacks in the South, 1790-1880," <u>American Historical Review</u> 95:1 (February 1990): 36-38, 40. Chapter 8 of this dissertation discusses nineteenth-century transformations in Louisiana.

⁸The 1778 and 1791 censuses of New Orleans recorded households by street rather than by quarter; like the 1795 and 1803 censuses they too pointed to a lack of racial segregation.

⁹Some cases include: The morena libre Prudencia Cheval leased the top floor of the house on Calle de los Almacenes that she inherited from Don Francisco Cheval to Señor Don Manuel de Justis y Calvo at the rate of six pesos per month for eighteen months and then eight pesos per month for an additional eighteen months (Acts of Ximénez, no. 6, f. 162, 25 April 1794); Don Pedro Cázelar rented a house to his free parda consort, Carlota Wiltz, for eight pesos monthly. Wiltz also owned houses on the property next to this rented house (Acts of Perdomo, f. 401, 27 October 1782; Acts of F. Broutin, no. 46, f. 118, 17 June 1797).

 10 Don Pedro Darby and the morena libre Naneta represented a typical case. In his will dated 1803 Darby, a native of New Orleans and single, acknowledged his seven natural children by Naneta: Francisco (about thirty-three), Celeste (twenty-five), Felicidad (twenty-two), Pedro (nineteen), Carlos (sixteen), Celestino (fourteen), and Adelaida (ten). The children's ages attest to a lengthy relationship between Darby and Naneta. Darby donated half his animals and a slave to Naneta, and left the rest of his estate (two plantations, furniture, and half the animals) to his seven natural children. The eldest son Francisco was appointed guardian of the minor children (Acts of N. Broutin, no. 5, f. 291, 18 June 1803). In one case a white man was actually prosecuted for living with a woman of color without benefit of marriage, but only because he stated so at a trial concerning another matter. Carlos Budé went to jail when evidence at a trial revealed that he was involved in an illicit affair with a parda slave. Ironically, Budé had instituted the initial proceedings against a free morena for striking and slandering him. He lost the case and was arrested (Criminales Seguidos por Carlos Budé, contra la Negra Libre Nombrada Rosa, sobre palabras Infuriosas, SJR, 16 February 1786). For a discussion of placage by contemporaries and historians see Alliot, "Reflections," p. 85; Kmen, Music in New Orleans, pp. 42-46; M. Perrin du Lac, Voyage dans les deux Louisianes (Paris, 1805), pp. 393-96; Schweninger, "Prosperous Blacks in the South," pp. 34-35.

¹¹Acts of F. Broutin, no. 46, f. 118, 17 June 1797.

¹²Acts of F. Broutin, no. 30, f. 143, 14 January 1794; Acts of N. Broutin, no. 4, f. 473, 17 November 1802. This case was an exception; as stated in note 10 above,

most white consorts were single and remained with one free black woman most of their lives.

¹³Acts of N. Broutin, no. 5, f. 172, 16 March 1803.

 $^{14}\mbox{Court Proceedings of N. Broutin, no. 11, f. 74-100, 17 March 1792.$

¹⁵1795 Census.

16Hall, "Saint Domingue," p. 187.

 $^{17}\mathrm{Court}$ Proceedings of Quiñones, no. 6, 10 September 1793.

 $^{18}\mbox{Court Proceedings of Quiñones, no. 1, f. 30-44, 12}$ April 1779.

19Another mixed marriage that took place during the Spanish period was that of Don Jayme Jorda, a prominent wholesale merchant, and Catarina Cheval, a free parda. On 2 or 5 February 1813 their legitimate daughter, Feliciana Jorda, was confirmed in the Saint Louis Cathedral (Hewitt L. Forsyth, translator and compiler, First Book of Confirmations of this Parish of St. Louis of New Orleans, Containing Folios from the Beginning to the Present (New Orleans: The Genealogical Research Society of New Orleans, 1967), entry 267, p. 157).

²⁰Sister Antonia de Sta. Mónica Ramos to Hassett, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, roll 11, 21 and 24 March 1803.

²¹Acts of F. Broutin, no. 46, f. 162, 20 July 1797.

²²Acts of Ximénez, no. 9, f. 155, 5 March 1795.

²³Marriage of José Fich and Moneta Arlu, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, roll 5, 1 June 1796.

²⁴RDC, vol. 4, no. 3, 11 July 1800.

25As explained in Chapter 1, this researcher was not granted access to the sacramental records of the Archives acceptance of the Archives o

²⁶Acts of Mazange, no. 4, f. 891, 5 November 1781.

²⁷Estevan Miró to Father Antonio de Sedella, Records of the Diocese of Louisiana and the Floridas, on microfilm LHC, roll 2, 14 August 1787.

28Acts of F. Broutin, no. 3, f. 367, 24 November 1801; María Juana's parents were Gran Janot and Janeton Laliberté, a native of Senegal and former slave of a man named Laliberté. During their twenty-one year marriage they had one daughter, María Juana, to whom Janeton willed land in the city and a plantation at Torno de los Ingleses (English Turn). María Juana still possessed the city lot when she made her will. See Acts of Garic, no. 2, f. 181, 1 June 1771 for Janeton's will.

²⁹James Pitot, <u>Observations on the Colony of</u>
<u>Louisiana from 1796 to 1802</u>, translated by Henry C. Pitot
(Baton Rouge: Louisiana State University Press for The
Historic New Orleans Collection, 1979) p. 110.

 30 Acts of N. Broutin, no. 4, f. 447, 26 October 1802; f. 492 and 493, 1 December 1802; f. 512, 14 December 1802.

 $^{31} \rm Acts$ of N. Broutin, no. 3, f. 212, 7 July 1801; no. 5, f. 260, 28 May 1803.

 $$^{32}\mbox{Acts}$ of N. Broutin, no. 4, f. 112, 18 February 1802.

³³Acts of Pedesclaux, no. 12, f. 47, 21 January 1791.

34Stephen Gudeman and Stuart B. Schwartz, "Cleansing Original Sin: Godparenthood and the Baptism of Slaves in Eighteenth-Century Bahia," in Kinship Ideology and Practice in Latin America, edited by Raymond Smith (Chapel Hill: University of North Carolina Press, 1984), p. 55. Other studies that discuss the role of fictive kinship in the Americas include Landers, "Gracia Real de Santa Teresa de Mose: A Free Black Town in Spanish Colonial Florida," American Historical Review 95:1 (February 1990): 23-25; Lyle N. McAlister, Spain and Portugal in the New World, 1492-1700 (Minneapolis: University of Minnesota Press, 1984), pp. 39, 404; Sidney W. Mintz and Eric Wolf, "An Analysis of Ritual Co-Parenthood (Compadrazgo),"
Southwestern Journal of Anthropology 6 (Winter 1950): 341-67; Hugo G. Nutini and Betty Bell, Ritual Kinship, The Structure and Historical Development of the Compadrazgo System in Rural Tlaxcala (Princeton: University of Princeton Press, 1980).

 35 For examples see entries in <u>Sacramental Records</u>, vol. 3.

36Acts of N. Broutin, no. 3, f. 66, 2 March 1801.

³⁷Acts of Perdomo, no. 7, f. 189, 21 April 1786.

³⁸Acts of N. Broutin, no. 2, f. 197, 6 August 1800.

³⁹In April 1795 Ysabel Robin, parda libre, gave power of attorney to Don Pedro Bertonére to represent her against her son-in-law, Bernardo Mayeux, pardo libre, who petitioned the tribunal to have Robin declared mentally deranged (<u>enajenación mental</u>) (Acts of Ximénez, no. 9, f. 229, 27 April 1795).

⁴⁰Acts of N. Broutin, no. 2, f. 78, 24 March 1800; Court Proceedings of N. Broutin, no. 48, f. 319-37, 6 August 1801.

⁴¹Acts of Mazange, no. 5, f. 12, 7 January 1782; Acts of Mazange, no. 7, f. 282, 29 March 1783 and f. 290, 1 April 1783; Acts of Ximénez, no. 7, f. 325, 18 August 1794; Acts of N. Broutin, no. 3, f. 131, 22 April 1801.

 $^{\rm 42}\mathrm{Court}$ Proceedings of Quiñones, no. 1, f. 186-91, 8 April 1782.

 $^{\rm 43}\mathrm{Court}$ Proceedings of N. Broutin, no. 58, f. 791-99, 11 June 1803.

 $^{44}\mathrm{Court}$ Proceedings of N. Broutin, no. 59, f. 955-84, 20 June 1803.

45Christian Schultz, <u>Travels on an Inland Voyage</u> through the States of New York, Pennsylvania, Virginia, Ohio, Kentucky, and Tennessee, and through the Territories of Indiana, Louisiana, <u>Mississippi</u>, and <u>New Orleans</u>, <u>Performed in the Years 1807 and 1808</u>, 2 vols. (New York: Isaac Ripley, 1810), II:197.

46Quoted in Kmen, Music in New Orleans, pp. 226-27.

⁴⁷Alliot, "Reflections," p. 77.

48Fiehrer, "African Presence," p. 23.

49Robin, Voyages, II: 72.

 $^{50}\mbox{\tt "Resumen}$ de los Libros de Colecturía de Blancos, como de Pardos, y Morenos, $\mbox{\tt "Records}$ of the Diocese of

Louisiana and the Floridas, on microfilm at LHC, roll 4, 15 January 1796.

 $^{51}{\rm Father}$ Theodoro Thirso Henríquez to Henrique, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, roll 3, 10 December 1792.

 $^{52}\mathrm{Court}$ Proceedings of Quiñones, no. 6, 10 September 1793; Acts of N. Broutin, no. 3, f. 78, 5 March 1801.

 $^{53} \rm Bishop$ Peñalver y Cárdenas to the Cabildo, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, roll 5, 5 February 1796; Acts of N. Broutin, no. 3, f. 78, 5 March 1801.

54 Schultz, Travels on an Inland Voyage, p. 196.

55Natalie Zemon Davis, <u>Society and Culture in Early Modern France</u> (Stanford: Stanford University Press, 1975), pp. 97-123.

⁵⁶Proceedings Brought by Luisa Julia Saulet, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, roll 12, 21 March 1803.

57A. Oakey Hall, <u>The Manhattaner in New Orleans; Or. Phases of "Crescent City" Life</u> (New Orleans: J. C. Morgan, 1851), p. xxiii; Leonard V. Huber and Samuel Wilson, Jr., <u>Baroness Pontalba's Buildings: Their Site and the Remarkable Woman Who Built Them</u> (New Orleans: The Friends of the Cabildo, 1964), p. 18.

 $^{58} \mathrm{Davis}, \ \underline{\mathrm{Society}} \ \mathrm{and} \ \mathrm{Culture} \ \mathrm{in} \ \mathrm{Early} \ \mathrm{Modern} \ \mathrm{France}, \\ \mathrm{pp.} \ \mathrm{xvi}, \ 97.$

⁵⁹Schultz, <u>Travels on an Inland Voyage</u>, p. 195. Earlier in 1804 Paul Alliot observed that "since there are two different castes, divided by color, each has its own hall" (Alliot, "Reflections," p. 77).

60Berquin-Duvallon, <u>Vue</u>, p. 185.

 $\rm ^{61}Mir6's$ Bando, article 12, RDC, vol. 3, no. 1, 2 June 1786.

62Acts of Ximénez, no. 9, f. 178, 14 March 1795.

63Berquin-Duvallon, <u>Vue</u>, 28.

64Schultz, Travels on an Inland Voyage, p. 193.

65René J. Le Gardeur, Jr., <u>The First New Orleans Theatre, 1792-1803</u> (New Orleans: Leeward Books, 1963): 10-14.

66Alfred N. Hunt, <u>Haiti's Influence on Antebellum America: Slumbering Volcano in the Caribbean</u> (Baton Rouge: Louisiana State University Press, 1988), pp. 67-68; Schultz, <u>Travels on an Inland Voyage</u>, p. 196.

⁶⁷RDC, vol. 4, no. 3, 8 and 21 February 1800.

 $^{68} Berquin-Duvallon, \, \underline{Vue}, \, p. \, 297; \,$ Miró's Bando, articles 3 and 10, RDC, vol. 3, no. 1, 2 June 1786.

 $^{69} \rm See$ for example RDC, vol. 4, no. 3, 21 February 1800; RDC vol. 4, no. 4, 14 August and 18 September 1801; Kmen, <u>Music in New Orleans</u>, pp. 42-46.

70Kmen, Music in New Orleans, pp. 42-48.

 $^{71}\mbox{RDC},$ vol. 2, 19 January 1781; Berquin-Duvallon, $\underline{\mbox{Vue}},$ pp. 32-33.

⁷²RDC, vol. 2, 19 January 1781; RDC, vol. 4, no. 3, 7 and 13 February 1800; Pitot, <u>Observations</u>, p. 29.

 $^{73}\mathrm{Criminales}$ seguidos de oficio contra el Pardo Libre Pedro Bahy, SJR, 7 October 1791.

74Berquin-Duvallon, <u>Vue</u>, p. 185.

75Berquin-Duvallon, <u>Vue</u>, p. 185.

⁷⁶Schultz, <u>Travels on an Inland Voyage</u>, pp. 195-96.

77Miró's Bando, articles 7 and 11, RDC, vol. 3, no.
1, 2 June 1786; Pitot, Observations, p. 29.

⁷⁸Berquin-Duvallon, <u>Vue</u>, p. 40.

 $^{79}{\rm Criminales}$ seguidos de oficio contra Pedro Alarcón sobre consentir Juegos prohividos en su casa, SJR, 21 March 1791.

80 Auto Levantado por el Señor Don Juan Ventura Morales contra Juan Freyre (el Gallego) sobre haver dado a Jugar a Juegos prohibidos a los Negros mulatos y blancos, SJR, 16 August 1791.

81Autos seguidos de oficio contra varios Individuos por haverse encontrado jugando a juegos prohibidos, SJR, 21 May 1792. 82 Autos seguidos de oficio contra varios individuos que se encontraron jugando a juegos prohividos en casa de Agustín Díaz, maestro de zapertero, SJR, 15 February 1793.

83For additional information on free blacks in antebellum New Orleans see Ira Berlin, <u>Slaves Without Masters: The Free Negro in the Antebellum South</u> (New York: Pantheon Books, 1974); John W. Blassingame, <u>Black New Orleans</u>, <u>1860-1880</u> (Chicago: The University of Chicago Press, 1973); Donald E. Everett, "Emigres and Millitamen: Free Persons of Color in New Orleans, 1803-1815," <u>The Journal of Negro History</u> 38 (October 1953): 377-402; Hunt, <u>Haiti's Influence</u>; Lachance, "The 1809 Immigration of Saint-Domingue Refugees to New Orleans: Reception, Integration, and Impact," <u>Louisiana History</u> 29:2 (Spring 1988): 109-41; Sterx, <u>The Free Negro</u>; Schweninger, "Prosperous Blacks in the South."

CHAPTER 7 A FREE BLACK REBEL: PEDRO BAILLY AND THE FRENCH REVOLUTION

The French Revolution and its diffusion to the Caribbean divided Louisianians and offered both opportunities and dilemmas. The ideas and events associated with French radicalism presented grave problems to the Spanish administrators of Louisiana, as well as to officials in other New World slave societies. Louisiana represented a special case, however, in that its population was comprised largely of slaves of African descent and of French-origin settlers but was ruled by Spain. More than one observer noted a "distinct aversion of the French for anything Spanish." Local officials precariously balanced social, national, and economic groups in order to avoid potentially explosive situations and encourage commercial and agricultural prosperity, an especially difficult task in the 1790s.

Threatened repercussions from the French Revolution, already evident in Saint-Domingue, included internal subversion and external invasion. With war raging throughout the Spanish empire, the crown had few troops it could send to Louisiana, primarily regarded as a peripheral buffer zone to mineral-rich New Spain. The prospect of

defending the colony with local forces was disheartening.

One Spanish official remarked that lower Louisiana, where attacks and uprisings were expected,

is inhabited by people of French extraction. Although many of them are pacifically inclined, the majority are fond of novelty, have communicated with France and with their possessions in America, and hear with the greatest pleasure of the revolution in that kingdom. Especially do the inhabitants of New Orleans and its vicinity conceal but little their mode of thinking. I fear that if war were declared on France, we would find but few inhabitants of Lower Louisiana who would sincerely defend the country from any undertaking of that nation.²

Nevertheless, by fortifying defenses, increasing patrols, improving slave treatment and suppressing seditious thoughts, words, and actions, officials in Spanish Louisiana endeavored to protect the colony from attacks by way of the United States or the Gulf, French loyalist uprisings, and slave rebellions. Governor of the colony from 1791-1797, Don Francisco Luis Hector, Barón de Carondelet, even used propaganda, in the form of correspondence, public announcements, and newspaper reports, to portray the French Revolution at its worst.

Persons of French descent in Louisiana were torn between desires for a reunion with the mother country and apprehensions concerning ideals espoused by the French revolutionaries. Many of these divisions paralleled class and economic interest lines. Upper-sector planters and merchants rejected notions of equality and decried efforts by republican France to end slavery in the metropolis and

its colonies. In order to halt the flow of "infected" slaves entering Louisiana from the French West Indies, local officials, many of them planters, urged the Spanish governor and crown to ban such importations, initially from the Caribbean but later from Africa also. They endeavored not only to check knowledge of and experience with rebellion, but also to decrease the slave to master ratio, and they looked to a strong, centralized Spanish government to provide stability and protect their interests. Influential merchants, of course, resented any infringement on their livelihood and expressed it through increased contraband trade, but most of them also agreed that for the moment a ban on the slave trade was prudent.⁴

On the other hand, several French persons in Louisiana voiced private and public support for liberty, equality, and fraternity and called for the reinstatement of French rule in the colony. Some of them even went so far as to conspire with United States invasionary forces and rebel slaves in order to achieve their goals. Contemporaries commonly attributed the Pointe Coupée slave conspiracy of 1795 to "the influence of St. Domingue on Louisiana's black population." Contemporaries also noted that political disputes had "poisoned the populace, who, through imitation, became in general either partisans of an obnoxious tyranny, or zealous adherents of Robespierre and the disrupting monsters who shared his crimes." Louisiana's white

population, however, overcame its internal divisions in order to conceal any of its frailties from the slave and free black populations. Whites, especially propertied ones, adamantly wanted to avert a repeat of the upheavals occurring on the French islands. During times of crisis, such as the 1795 slave conspiracy, government officials and the French populace cooperated to restore order, punish offenders, and prevent future occurrences.⁷

The free population of color in New Orleans also reflected the conflicting loyalties that prevailed in Louisiana. As loyal Spanish subjects and members of the free pardo and moreno militias, most of them defended the colony against a likely French invasion by way of the Gulf and from internal disturbances fomented by pro-French agitators and discontented African and creole slaves. Throughout Spanish America, administrators relied on free people of color to contribute to their colonies' defensive and labor needs, and in Louisiana organized groups of free blacks labored on fortifications, kept guard at strategic points, pursued runaway slaves, and revealed seditious Jacobin activities to the government.

Some free people of color, though, participated in these seditious activities and even advocated the overthrow of a discriminatory Spanish government and institution of liberal French laws that guaranteed free blacks equal rights as citizens and abolished slavery in France and its

colonies. This chapter primarily concentrates on the activities of one free black agitator, Pedro Bailly, a free pardo lieutenant of the Compañía de Pardos de la Nueva Orleans. In accordance with a royal decree dated 27 April 1793 Bailly was tried and found quilty in 1794 of "having burst into tirades against the Spanish government and of being a manifest follower of the maxims of the French rebels." In 1791 a tribunal had acquitted Bailly of similar charges. 9 Testimony in these two cases reveals many of the frustrations free blacks experienced in a racially stratified society, and their desire to obtain the equality and brotherhood that France appeared to offer. Most free persons of color, however, were reluctant to take up arms against white persons, not only because whites could call on effective, well-trained police forces, but also because, at least on the part of some, they were related by blood.

General Apprehensions Concerning the Free Black Population

During the years of the French and Haitian Revolutions the Spanish government increased enforcement of its system of checks and balances among various corporate groups in society in order to avert disorder, especially in the unstable Caribbean. These entities comprised part of "a hierarchical order, to be manipulated and counterbalanced against one another." In Louisiana whites, slaves, and free persons of color made up the basic corporate groups, with

further divisions based on economic and functional standing. Like most Caribbean plantation societies, Louisiana had a three-caste racial structure, with free persons of color accorded a special legal, economic, military, and social status. 10 Initially fluid, this system allowed free blacks to associate with slaves and gain patronage from whites and thus relieved racial tension. When it began to crystallize, however, free persons of color rejected their lower position and agitated for rights as citizens equal to white persons, contributing to legislative petitions and finally open rebellion in Saint-Domingue and to conspiracies in Louisiana. 11

An absence of overt rebellion and failure of insurrectionary plots in late eighteenth-century Louisiana indicated in part that Spanish officials triumphed in manipulating the various interest groups. French and Spanish wariness of collusion between free people of color and slaves predated the Saint-Domingue rebellion, and Louisiana governments had enacted mechanisms for control and separation of these two groups from the colony's beginning. Throughout the Americas white colonials considered free blacks to have a detrimental effect on orderly slave societies and suspected free blacks of plotting with slaves to overthrow the "natural" hierarchical order. 12 On the other hand, Spanish authorities in Louisiana were also apprehensive of fraternization between radical whites and

free blacks and justly so, as a case described below indicates. With insurrection expected from almost every social group, "Spanish prescriptions for safety touched white as well as black behavior," and most crown officials agreed with Governor Carondelet that "in the course of a war with France . . . little or nothing could be counted on from most of the inhabitants."

In such a setting, the words and actions of free black persons came under even closer scrutiny than usual. Free black immigrants and sailors from Saint-Domingue brought news of the latest developments and inflammatory notions of liberty and equality, or at least officials and leading vecinos feared they did. During his term Governor Carondelet banished a free black tailor who had recently arrived from Saint-Domingue, and his explanation conveys the anxiety, even paranoia, of the time:

He is a native of the part of Santo Domingo that belongs to the French and is mixed up in all the intrigues and harassments of the French colony, besides being ungovernable and audacious. Having such a character around under the present circumstances in which I am placed might produce bad results. 14

Crown representatives associated any pro-French sentiment with the possibility of radicalism and revolt; to them this free person of color "seemed a direct link between the events in St. Domingue and Jacobin attempts to disrupt Spanish rule in Louisiana."

At the time of Louisiana's transfer from Spain to

France, officials continued to express concern about contact

between persons of African descent in the islands and Louisiana. In August 1803 the French prefect, Pierre Clément de Laussat, asked the Spanish governor, Juan Manuel de Salcedo, to detain five black sailors from Saint-Domingue at the mouth of the Mississippi in order to "avoid any communication between these blacks and those of this colony." Colonial officials, however, accused, jailed, and deported many more whites than free blacks for seditious behavior in the 1790s. 16

Although this chapter primarily looks at the activities of the free pardo Pedro Bailly, other free people of color played roles in the 1791 and 1795 Pointe Coupée slave conspiracies and in a 1795 conspiracy among soldiers of the fixed regiment. Slaves of the Mina tribe, discontented with working and living conditions, plotted to attack a settlement store in Pointe Coupée in June 1791. One slave warned the authorities, who captured seventeen slaves and sent them to New Orleans for trial. Under the probable coaching of their interpreters, one of whom was a free Mina, the accused slaves claimed that they were unaware of any conspiracy. The tribunal acquitted them, and Governor Carondelet enacted stricter protective measures regulating slave treatment in order to prevent additional uprisings.

These measures proved inadequate. Mistreatment, food shortages, harsh work regimes, rumors of impending freedom, organizing activities of Jacobin agents, and the example of Saint-Domingue coalesced African and creole slaves, free whites, white indentured servants, and free people of color to undertake the overthrow of Louisiana plantation society and its inequalities. Evidence indicates that intricate communication networks apprised the conspirators of struggles for racial equality and freedom throughout the Caribbean, as well as of the radical French government's attempts to end slavery not only in its own colonies but also among other nationals' colonies through legislation and armed conflict. The Spanish government responded to the 1795 Pointe Coupée conspiracy by hanging twenty slaves, sentencing twenty-two slaves and two whites to hard labor, and banishing one white, one slave, and two free blacks from the colony.¹⁷

Another conspiracy involving soldiers of the Louisiana fixed regiment and free moreno militiamen was also detected in 1795. In order to protect the colony from an anticipated French invasion coming from the Gulf up the Mississippi River in late 1793, Carondelet dispatched regular troops and militia members, black as well as white, to Fort San Felipe de Placaminos, located below New Orleans near the river's mouth. During the two to three months at Placaminos, the soldiers stationed there met in makeshift cabins to drink, amuse themselves, and discuss the war between France and Spain, the possibility of a French victory in Louisiana, and the policies of the new French leaders, among other

things. 18 Back in New Orleans after the threat of invasion had passed, some of these soldiers continued their friendships and attempted to turn talk into action. One white soldier of the fixed regiment named Roland met his acquaintance from Placaminos, the free moreno militiaman Carlos Josef Lange, at a tavern, where Roland reiterated to Lange the French promise of brotherhood and equality. Plotting to destroy the tyrannical Spaniards, Roland promised to secure sixty soldiers, and he urged Lange to gather recruits. Other free moreno militia members instead convinced Lange to turn Roland over to the Spanish authorities and offer his testimony in the case. A military tribunal transferred Roland to Pensacola for punishment. 19

The Bailly Conspiracy Trials, 1791 and 1794

Military courts under Miró in 1791 and Carondelet in 1794 prosecuted the free pardo militia officer Pedro Bailly for crimes similar to Roland's. In October 1791 some white persons and free pardos accused Bailly of trying to gather support among the free pardos to instigate a rebellion like that occurring in Saint-Domingue. In particular, they claimed that he asked two free pardos if they would consider leading such a movement and be willing to take up arms against the whites if violence were necessary. A month later the free pardo witnesses modified their testimony, and Miró acquitted Bailly. Two and a half years later, when the

radical phase of the French Revolution was at its peak, a Carondelet tribunal tried Bailly for espousing notions of equality among whites and free pardos, defaming the Spanish government and its policies, and conspiring to murder the free pardo commander in order to place himself at the head of the company. These charges were much more serious, the testimony much more convincing, and royal anxiety about pro-French subversive activity more exaggerated than in 1791. Consequently, in March 1794 Carondelet found Bailly guilty "por haver profesido especies sugestivas de revolución" (of having professed ideas suggestive of revolution) and sent him to prison in Havana's Morro Castle for at least two years.

A perusal of Bailly's personal and military life prior to these cases portrays an aggressive, ambitious man who utilized New Orleans' patrimonial, hierarchical social structure and legal system for his own benefit. He pursued every business opportunity, buying and selling real estate and slaves and borrowing and lending money. In addition, he labored as a carter, blacksmith, wood dealer, and militia officer. Manumitted graciosamente by Josef Bailly in 1776 at age twenty-five, Pedro immediately began accumulating property. When Bailly married the recently freed parda Naneta Manuela Carrière, alias Cádiz, in 1778, he possessed 350 pesos in silver, wagons and mules used in his trade valued at 120 pesos, and an eighteen-year-old morena slave

appraised at 300 pesos. Naneta listed her possessions as 350 pesos in silver and four cows given to her by her mother and valued at forty pesos. Before Naneta died in 1800, she and Bailly had had three children who survived -- Pedro, Andrés Pedro, and Naneta Leonard -- and two who died -- Joseph Pedro and Josef María -- at age nine and three respectively. Bailly purchased his own mother, a morena slave of Don Antonio Mermillion, in 1781 for 250 pesos and freed her two days later. Following the fire of 1788, Bailly valued his loses at 2,000 pesos in buildings and 675 pesos in personal effects; Naneta signed this statement for him, because like most persons in eighteenth-century New Orleans, Bailly was illiterate.²⁰

Bailly's military career appeared as exemplary as his personal and material accomplishments. Between 1779 and 1793 he advanced from corporal second-class to first lieutenant in the free pardo militia and served with that unit in the Baton Rouge, Mobile, and Pensacola expeditions against the British during the American revolution. He and other free pardos also captured runaway slaves, repaired cracks in the levee, and patrolled the street of New Orleans at night.

When the free pardo commander and captain of the first company, Francisco Dorville, and the captain of the second company, Carlos Simón, brought charges against Bailly in 1794, however, they cast a much different light on Bailly's militia service. According to Dorville and Simón, Bailly consistently feigned illness in order to shirk his responsibilities as a militia officer, duties these two officers took very seriously. 21 Corporal Bailly reluctantly joined the 1779 Baton Rouge expedition led by Governor Bernardo de Gálvez, complaining that he was ill and had other more important things to do. Bailly frequently refused to parade through the city with his company on the day of Corpus Christi, an annual custom each 22 June, and he substituted one of his slaves to work in his place when called to repair cracks in the levee, a tactic usually practiced by wealthy white persons and resented by free blacks. Most recently, Bailly disobeyed Dorville's orders to assemble the pardo company in order to march to Fort San Felipe de Placaminos; once again he claimed to have better things to do than marching. During these years Dorville and Simón claimed to have questioned royal officials about the promotions in rank that Bailly received despite his disrespectful, insubordinate behavior. Authorities turned down their repeated requests to examine the commission records, 22

Indeed, the report Dorville and Simón made contrasted sharply with Bailly's record of rapid promotion in the pardo militia. During the 1791 trial Bailly emphasized his long and loyal service to the Spanish crown and his excellent reputation as a hard-working vecino of New Orleans. Either

the pardo officers exaggerated Bailly's insubordination, or white officials chose to ignore it. Bailly's white superiors also might have rewarded his material success with promotions; wealth and military titles often accumulated simultaneously in such strategic areas on the colonial frontier as Louisiana. The pardo officers, however, resented what they considered Bailly's flippant disrespect for an institution they highly esteemed. In addition, long-standing personal conflicts probably tainted Dorville's and Simón's opinion of Bailly. Their 1794 report noted that in the early 1780s and at Placaminos Bailly had gathered supporters in order to murder Dorville. In the 1790s Dorville experienced several economic failures and owed money to several creditors, one of the most persistent being Bailly.²³ Relations between these men were not harmonious and each sought to discredit the other. Still, one wonders why they waited until 1794 to malign Bailly; perhaps Dorville and Simón, for personal and professional reasons, concocted this entire rationalization ex post facto in order to distance themselves from an individual some ruling whites considered dangerous and had concrete witnesses to prove so. In the end both triumphed: Dorville rose to command a battalion composed of four companies of free pardos; Bailly spent two years in prison in Havana but returned to New Orleans and resumed his fruitful pursuit of material prosperity.

In the early 1790s Bailly was also involved in monetary disputes with Don Luis Delalande Daprémont, a negociante (merchant or dealer) who later accused Bailly of seditious activity. In September 1791 Daprémont sued Bailly to collect a series of debts incurred in the years 1787 and 1788 and totaling 1.270 pesos. The court seized two of Bailly's properties but returned them to Bailly when he satisfied the debt ten days later. Daprémont concurrently sued Bailly for a debt of 2,346 pesos 4 reales, but Bailly argued that he had already paid Daprémont the sum. Daprémont admitted his error and paid all court costs.24 One month later Bailly prosecuted Daprémont for rental payments. For a period of three years Daprémont had stored some iron at Bailly's warehouse, and now Bailly demanded he pay rent of one peso per month, an amount Daprémont considered too high. Daprémont called three master blacksmiths to testify that they never charged their customers rent for storage of iron at their warehouses or shops even if they had completed the work long before the iron was removed. Nevertheless, in June 1792 officials ruled in Bailly's favor; Daprémont paid Bailly the thirty-six pesos rent and almost one hundred pesos in court costs.25

It was while these cases were before the court that
Daprémont presented evidence to Governor Miró accusing
Bailly of making criminal statements against the Spanish

government. Much of the testimony was hearsay: some free pardos overheard Bailly and recounted the conversation to Claudio Tremé, who told it to Daprémont, who then went to the army surgeon, Don Josef Laby. Daprémont and Laby delivered official letters that addressed the matter to the colonel of the royal armies, Don Francisco Bouligny, and he gave them to Miró.

During this process of transmittal the parties involved altered the actual events and words to suit individual purposes. Daprémont stated that Tremé had told him that he, Tremé, had overheard a conversation between Bailly and the free pardo Esteban Lalande at a dance held at Lalande's house. Bailly told Lalande that he anxiously awaited letters from the pardos at Cap Français²⁶ "para dar el golpe"; he wanted to conduct in Louisiana an uprising similar to theirs. Bailly was fully aware that the house was full of whites when he made these remarks. After relaying Tremé's observations to Bouligny, Daprémont called on Lalande and two other free pardos who had overheard Bailly -- Lalande's cousin Carlos Brulé and Roberto Monplaisir²⁷ -- to substantiate the story.

When Tremé appeared before the tribunal, he elaborated on Bailly's conversation with Lalande. Before talking with Lalande, Bailly had asked a gentleman who had just arrived from Guarico (Cap Français) if he had any information; the gentleman answered that he had good news about the rebels' success. Bailly then informed Lalande that the morenos and pardos of Guarico had conducted themselves well against the whites and speculated that in the future a similar movement would take place in New Orleans. The movement only lacked a leader. Lalande replied that he would never lead or even participate in such a rebellion, primarily because he refused to sacrifice his life in what he considered a futile effort. If Bailly insisted on pursuing this topic further, Lalande wanted him to leave.

Lalande denied that Tremé was present on the patio where Bailly and he were talking and that Tremé had overheard their conversation. Rather, he had told Tremé about it later. The content of Treme's testimony, however, was fairly accurate, and Lalande added to it. Lalande valiantly assured the court that he had informed Bailly he could never resolve to take up arms against the whites, and that on the contrary, he would sacrifice his life to defend them. At that moment Lalande's cousin Carlos Brulé joined Bailly and Lalande, and he too swore to defend the whites. When the court questioned Lalande about communications from Cap Français, Lalande stated that Bailly told him that he had not received any letters from the pardos at Guarico because they had been prohibited from writing, but he hoped to hear from them soon. Although Lalande noticed that Bailly seemed angry, he did not know whether Bailly was annoyed with him or with the whites. Considering all the

unmasked morenos, pardos, and blancos in the house, Lalande doubted that Bailly was foolish enough to act overtly hostile toward Lalande's white quests.

Brulé confirmed Lalande's testimony. Upon calling Brulé over to join in the discussion, Lalande asked him with whom he would side in a revolution similar to that in Saint-Domingue, and he replied that he possessed the sentiments of a white person. If a revolution were for the general good, he would join it, but if it had evil purposes, he would not. All three then went to another room to have a drink. When questioned about Bailly's demeanor, Brulé stated that he did not appear annoyed with anyone except a little boy and, on the contrary, was very pleasant and agreeable and danced with much merriment.

The free pardo Roberto Monplaisir declared to the court that although he descended from Daprémont's family and was his kin, he could not tell less than the truth. Daprémont had falsely testified that Monplaisir saw and participated in the exchange between Bailly and Lalande. Rather, Monplaisir consorted with some women who had gathered on the patio, and he only heard Lalande tell Bailly that he descended from a white person, to which Bailly replied that he did, too. Barely acquainted with Bailly, Monplaisir had never heard him speak about revolution or events in Saint-Dominque.

Expressing bewilderment over the sudden lack of confidence his creditors had shown him, Bailly asserted his innocence before the tribunal. Upon being informed that Daprémont charged him with sedition, Bailly declared that these accusations were malicious and false and made only in retaliation to Bailly's demands for payment of rent on storage of Daprémont's iron in his warehouse. Favored with some fortune, property, and wealth, he had established a reputation as a good, loyal servant and had proven his love and zeal for the crown through participation in numerous military expeditions. In spite of his color, he had merited the esteem of New Orleans' leading citizens, but because of these unfounded charges he was losing this estimation, a loss that meant the ruin of his family.

A month later Bailly again appeared before the tribunal to complain that it had taken no further action to clear his name, and in the meantime he had suffered new setbacks in restoring people's confidence in his conduct and credit. He confessed that he had attended a ball at Lalande's house, but that all they had discussed was the profitability of holding such dances. There had been no talk about Guarico. Lalande now substantiated Bailly's innocence and denounced the accusations as malicious hearsay. He pointed out the unlikelihood of Bailly provoking a conversation in which he expressed support for revolution like that of the blacks at Guarico, considering that Bailly had a family and that his

goods consisted of slaves. Besides, the governor and other officials had previously trusted Bailly to command several expeditions for the apprehension of runaway slaves and other wrongdoers, and he continued to merit their trust.

Brulé also altered, or rather clarified, his testimony of a month ago, stating that he had not explained the situation very well. He emphasized that he had not heard the conversation between Bailly and Lalande because he was too far away from them. The day following the dance he had gone to Lalande's house, where Lalande told him that rumors were spreading about his discussion with Bailly. Brulé wondered how this could be considering that Lalande and Bailly were the only two persons present on the patio. Brulé and Lalande then visited Dapremont, who informed them that someone had told him that Bailly had talked about starting a revolution and wanted to place Brulé at the head of it. Brulé noted the impossibility of one man alone undertaking such a project. In addition, he pointed out that Bailly did not maintain a close friendship, or even associate, with him and Lalande, implying that Bailly would not choose him to lead a rebellion.

Tremé was also present at Daprémont's house, and Brulé noticed that he paid close attention to the conversation. When the case went to trial, Tremé approached Brulé with the news that Bailly had taken wrongful action against Daprémont, demanding rent money for a small quantity of iron

stored at his house. This action had motivated Daprémont to spread rumors about Bailly. Of course, Daprémont denied any act of vengeance and stated that he had no reason for harming Bailly. Daprémont had always regarded him as a dependable person, a estimation proven by the fact that on the day before he made the deposition Daprémont sold Bailly some balsa wood on credit.

Miró acquitted Bailly. He declared that the judicial inquiry had not established Bailly's guilt in uttering ideas opposed to the public tranquility during the discussion he supposedly had concerning events at Guarico. Also in Bailly's favor were his honorable conduct, dependability, and good reputation, merits that were not to be discredited by these proceedings. Furthermore, Miró faulted Lalande with instigating and promoting the content of his and Bailly's conversation and with presuming its criminal intent.

Testimony from Bailly's second trial in 1794, however, reveals that he most likely did await communication from Saint-Domingue and advocated racial warfare. Some persons who offered testimony in the 1791 case and others who claimed to have observed Bailly and Lalande conversing but did not come forward at that time served as character witnesses in the later trial. In general repeating the statements he made in 1791, Brulé testified that he had conversed with Monplaisir and Lalande's wife on the patio

(evidently Lalande and Bailly were not alone) at a carefully placed distance so that he would not have to listen to or join in Lalande's and Bailly's discussion. He could not hear anything. Now a widow due to the death of Lalande in August 1793, María Gentilly contradicted Brulé and claimed that Bailly conducted his query in the presence of herself, Lalande, Brulé, and Monplaisir. Although Lalande had not received any information about the French, Bailly stated that he had received letters and that their content was very interesting. Bailly remarked that the pardos of Louisiana subjected themselves to too much scorn and that if they wanted to, they could obtain the same advantages that the pardos enjoyed in Guarico. Lalande replied that death did not constitute an advantage. Observing Lalande's rising temper, Brulé told Bailly to keep silent and end the conversation because it could be heard by the white guests. The free pardo Carlos Simón also testified that Lalande attempted to involve him in the exchange, asking him if it were possible for a man to fight his father and brothers, but at the time Simón did not pay any attention to the question.

Newly accused of maligning the Spanish government and advocating radical French maxims, Bailly stood trial once again in February and March 1794. As decreed by the royal ordinance of 14 May 1793, anyone who espoused ideas that disturbed public order and tranquility was to be charged

with treason and punished accordingly. Late in 1793 Bailly allegedly denounced Spain's social hierarchy and discrimination based on color and praised the equality he perceived in the new French constitution. 28 In Governor Carondelet's opinion, officials had to restrain Bailly in order to prevent the spread of such pernicious ideas and the inculcation of them in the souls of the discontented. Unfortunately for Bailly, Carondelet expressed these beliefs even before beginning an investigation.

The setting for Bailly's renewed struggle against inequality was Fort San Felipe de Placaminos. In November 1793 Carondelet dispatched members of the regular army, the white militia, and the free pardo and moreno militias to reinforce that fort and protect the colony against an anticipated French invasion from the Gulf of Mexico. Several of these white and free pardo officers and enlisted men testified as to what transpired at Placaminos. After arriving at Placaminos, officers divided the free pardo company between guard duty and manual work on the fortifications. The troops supposedly volunteered for manual labor but often were coerced, and they resented it, especially Bailly. He counseled them to present themselves en masse to the commanding officer, Colonel Don Antonio Gilberto de San Maxant, and claim they were too ill to work on the fort. Bailly naturally set an example, disdaining work and remaining in his tent under the pretext of poor

health, thereby confirming what Dorville's and Simón had said about his entire military career. Indeed, some pardos refused to work together as an organized body or contribute to their assigned tasks, a tendency the white officers attributed to Bailly's harmful influence.

Bailly encouraged insubordination in other ways as well. He preached to whoever would listen that the Spanish government valued the pardos at the time only because they were needed to defend the colony; ordinarily officials degraded them. He even had the audacity -- or courage, depending on one's perspective -- to explain to one white officer that Colonel Maxant referred to the pardos as mon fils (my sons) and other similar terms during this time of crisis, but afterward he would treat them as if they were dogs. If they were among the French, however, Bailly believed that the pardos would be treated as equals of the whites, as they should be. Maxant's reluctance to drink coffee at the free pardo officers' table and preference for dining with white officers especially irritated Bailly. Although Maxant gave the pardos all the coffee, salt, butter, sugar, and medicinal wine they requested. Bailly thought that a simple sign of respect, expressed by giving the pardo officers a cup of coffee at his table, would mean more than all these other presents.

Bailly also publicly criticized the actions and demeanor of Dorville, the free pardo commander. Simón

testified that Bailly so widely disseminated seditious and insubordinate ideas among the pardo company that he put it in a state of complete disorder. Dorville found it necessary to arise from his sick bed in order to reassert control of his men and remind them of their duty. He also humiliated some of the soldiers and forced them to work on the fortifications. As a result, Bailly's dislike of Dorville intensified, and he poisoned the others against their commander, even encouraging them to murder him. One pardo corporal heard Bailly criticize Dorville several times and refer to him as a fool or donkey, using the French expression sot. Bailly intimated that if he headed the company, everyone would benefit because he knew many things of which the others were ignorant. With the inept Dorville gone and Bailly in charge, the corps would win respect. Bailly hinted that he and others could easily arrange Dorville's demise; on one occasion he remarked that if rope were needed to hang Dorville, he would gladly supply it, and at another time he offered to fire the first shot into Dorville's head.

Dorville himself testified that persons had informed him of Bailly's designs on his life, and he complained about Bailly's public attempts to humiliate him, without any respect for his age or rank or for the royal medal he had earned. As for proof of Bailly's insubordinate manner of thinking, one only had to remember that Bailly had been

prosecuted previously for having talked with, as well as approached, others in order to persuade them to follow the example of free pardos of Guarico, who had adopted the maxims of the new French constitution. Although the court acquitted Bailly in 1791, Dorville believed that someone had hidden the truth out of compassion for Bailly. He wanted justice to prevail this time.

Testimony given by Don Luis Declouet, second lieutenant of the Louisiana regiment and Ayudante de las Milicias de Pardos, y Morenos, provided the clearest insights into Bailly's thoughts, words, and actions. 29 While at Placaminos, Bailly approached Declouet and asked for his opinion concerning information about the French enemy. Certain that the French rebels would attack the colony, Declouet responded that Louisiana troops had to prepare to meet and defeat the French, not only because they were enemies of the state and religion, but also because they constituted a foe to all humanity. An aroused Bailly replied: "Humanity! Humanity! I am going to speak frankly to you, sure that you are a man of honor. Sir, I do not see that any acts of inhumanity have been committed. It is true that they have done wrong by murdering their king, but sir, the French are just; they have conceded men their rights."

Declouet asked Bailly elaborate, to what rights did he refer? Bailly answered: "A universal equality among men, us, people of color. We have on the Island of Saint-

Domingue and other French islands the title ciudadano activo; we can speak openly, like any white persons and hold the same rank as they. Under our {Louisiana} rule do we have this? No. sir, and it is unjust. All of us being men, there should be no difference. Only their method of thinking -- not color -- should differentiate men. Under these circumstances of war the governor treats us with certain semblances, but we are not deceived. Señor Maxant politely received us here at Fort Placaminos, telling us that on this occasion there would be no differences between us and the whites, implying that at other times there are distinctions. Every day Señor Maxant invites officials of the white militia to eat at his table. And why are we not paid this same attention? Are we not officers just as they are?" Declouet tried to calm Bailly and dismiss what he considered ridiculous pretensions by noting that among whites themselves distinctions had existed since the beginning of time. This differentiation constituted one of the most indispensable and sacred characteristics of human society, toward which all should tend rather than reject or scorn.

Declouet's words failed to satisfy Bailly, however; he still maintained that "whites derive excess benefits from their rights." Bailly demonstrated his point by providing examples of the inferior status and unjust treatment he experienced as a person of African descent. One day a Mr.

Bernoudy approached Bailly on the levee and said "my mulatto, you are a good man, do me a favor." This expression upset Bailly, and he responded: "Mi mulato! Mi mulato! When was I ever your mulatto?" Bailly resented Bernoudy treating him this "foolish way," in other words, as a slave. On another day Bailly was at the notary's office when a Mr. Macarty had the audacity to remark that the free pardos were ruined by their associations with slaves and that if pardos wished to be regarded more highly, they ought to discontinue any fraternization with the tainted slaves. He referred to free pardos as "riffraff, thieves whom the governor should expel from the colony." With good reason these words angered Bailly; he told Mr. Macarty that if there were among them such persons, he should name them and not insult everyone. To which Macarty replied that Bailly was the principal thief and threatened him with his walking stick. Bailly further illuminated the legal and social systems' lack of justice. Although he brought charges against Macarty, officials punished him with a mere fine, not for insulting free pardos as a group and Bailly in particular, but rather for showing disrespect for the government by criticizing the governor's policies. Bailly then asked Declouet the rhetorical question of what the government would have done to him if he had talked to a white person the way Macarty had spoken to him. "And you

call this justice? No sir, and I am as much an officer as you are."

Bailly also discussed this topic of racial equality, or lack of it, with another white officer, Don Manuel García. Following his usual complaint about Maxant's unwillingness to share his table with pardo officers, Bailly proceeded to state that one's skin color was an accident or chance occurrence. Pigmentation should not constitute a reason to differentiate between pardos and whites. Bailly then praised the French because they rewarded or punished subjects only on their merit and conduct.

The commanding officers, both white and pardo, considered Bailly's ideas, expressions, and example a dangerous threat to their control over the troops and to effective defense of the fort. Dorville and Simón repeatedly informed their white superiors about Bailly's insubordination, arrogance, and disrespect, especially toward Dorville. Commanding officer Maxant only awaited some pretext to rid the encampment of Bailly, and this opportunity arose when Bailly complained of another illness. Maxant issued Bailly a passport, and he immediately returned to New Orleans. After Bailly's departure Maxant noted more tranquility and subordination among the pardo militia than ever before. From this observation he reasonably assumed that previous tension stemmed from Bailly's influence. Both Maxant and the pardo captain Simón refused to lead any other

expeditions if Bailly joined them; Simón even threatened to resign if Bailly were not discharged from the pardo militia.

On 26 March 1794 Governor Carondelet rendered his judgment. He found Bailly guilty of having followed and adopted the new constitution of the French rebels, especially concerning the notion of equality, with such determination that he had not hesitated to make known his sentiments even to the white officers. Moreover, Bailly freely shared his beliefs with individuals of his own color, persuading them to inculcate his pernicious ideas as well as execute them. They consequently resisted voluntary service and weakened the colony's ability to defend itself from external and internal foes. Bailly also displayed insubordination and lack of respect for his immediate superiors, thereby setting a bad example for others in his company.

Carondelet promptly remitted Bailly to prison in Havana, where he remained until 1796.³⁰ When Bailly returned from Havana, he resumed his business transactions with whites and free people of color, evidently restoring his former honorable reputation as a diligent, trustworthy worker. Although Bailly never served in the militia again, he continued to value his prior rank. Before a notary in 1798 he registered his record of promotion to second lieutenant on 18 September 1792; it stated that he was an industrious and worthy person, an estimation he obviously

wanted others to appreciate publicly and formally. A 1798 census of the Faubourg St. Marie, the first suburb developed outside of New Orleans' walls, reported that Bailly headed a household of thirteen persons and labored as a wood vendor. Both Bailly and his son Pedro, a soldier in the free pardo militia, signed an "Address from the Free People of Color" to Governor William C. C. Claiborne on 17 January 1804. In this petition several members of the free pardo and moreno militias clearly outlined their expectations of the new United States government: they emphasized their personal and political freedom as full-fledged citizens and vowed to provide loyal military service, as they had under the previous regime. 31 Thus, even into the American period, Bailly continued his untiring, undaunted struggle to achieve just treatment within a society stratified by race and color, though following his imprisonment he did so through legitimate legal channels.

Louisiana As Part of the Circum-Caribbean

There were many parallels between Bailly's alleged aims and the goals of the gens de couleur libres of Saint-Domingue. Although the colonies' demographic structure varied, in that Saint-Domingue was overwhelmingly black and slave, Louisiana's social hierarchy closely resembled that prevailing on the island, especially before reliance on a very profitable sugar monoculture crystallized

and antagonized Saint-Domingue's social groups. 32 Like Saint-Domingue, Louisiana had a three-caste social system that accorded free people of color a distinct status inferior to that of whites but more privileged than that of slaves. During the eighteenth century, however, whites in Saint-Domingue enacted restrictive legislation that degraded free blacks and almost equated them with slaves. When the French Revolution entered its radical phase, Saint-Domingue gens de couleur libre found "a public forum {the French national assembly} unavailable in the colonies" in front of which to plead their cause of equality with whites. In France and the islands free people of color "applied constant pressure against white discrimination based on color rather than on legal and economic status," winning their case in the metroplis but not in the colonies. 33 Bailly did not have such a public forum as the French assembly, but he tried to convince whoever would listen that one should judge men on their merit, not according to their color.

Bailly also urged his free pardo comrades to join the struggle for equality even if violence were necessary, as it had been in Saint-Domingue, but he never advocated a massive slave rebellion. In fact, he never mentioned slaves, only free pardos, when discussing the rights of men. Like many free pardos in Louisiana and Saint-Domingue, Bailly owned slaves and supported a plantation slave society. His

intention, similar to that of Saint-Domingue's gens de couleur libre, was to raise free people of color to the privileged level of whites, not lower them back into slavery. As one scholar notes, "in their struggle to gain concessions from the whites, the <u>affranchis</u> of St. Domingue were not interested in the rights of slaves; indeed they were careful to divorce themselves from any antislavery position." In both Louisiana and Saint-Domingue free people of color "regarded themselves as superior to and distinct from the black slaves." 34

In both places, however, free blacks did not constitute one monolithic group, and the conspiracy cases in New Orleans illuminate this diversity. Whites and free morenos participated in the Roland/Lange plot of 1795, whereas the two Bailly trials involved whites and free pardos; pardos and free morenos usually did not conspire together. Evidence from New Orleans supports David Geggus' contention that "during the revolutionary era in the Caribbean, free blacks often aligned themselves either with whites or slaves rather than other free coloreds."35 Bailly specifically denounced white discrimination directed toward pardos and in turn advocated equality between white and free pardo officers. At the dance at Lalande's house and the encampment at Placaminos Bailly supposedly tried to recruit revolutionaries only from among the free pardos, even though free morenos also attended the ball and defended the fort. 36

In the circum-Caribbean "phenotypical distinctions were extremely important. . . . they formed the basis of a racial hierarchy and tended in addition to coincide with differences in wealth, literacy, and genealogical distance from slavery." Duisiana's frontier, still economically backward society was not as well defined in terms of racial order as was Saint-Domingue's. With the formation of a profitable plantation system based on sugar and cotton and spiraling fears of slave unrest, however, Louisiana's racial hierarchy tended toward such definition at the end of the Spanish period and into the nineteenth century under United States rule.

Conclusion

Testimony and events surrounding the Bailly and Roland/Lange cases demonstrated the loyalty most free persons of color sustained for their white patrons and the Spanish government, and also disclosed the communication networks operating in Louisiana and between that colony and others of the circum-Caribbean. Lange alerted Spanish authorities to Roland's plot to overthrow their government. Dorville and Simón contrasted their zealous service to the crown with Bailly's insubordination and disrespect for military duty. Lalande's words at the dance expressed what most free persons of color recognized: pardos had received favorable treatment from whites during French rule of the

colony and liberty under the Spanish regime.³⁸ Emphatically asserting that they were the sons of whites and had their blood, Lalande, Brulé, Simón, and other free pardos testified that they were incapable of murdering their white relatives and benefactors. They opted for peaceful paternalism rather than revolutionary equality.

The radical French ideals of liberty, equality, and fraternity spread quickly to and through Louisiana by means of books, newspapers, correspondence, and such persons as sailors, merchants, and refugees. Free persons of color met with whites and slaves in taverns, billiard rooms, dance halls, shops, and private homes to discuss the latest developments in the ongoing war. 39 Barely two months after the outbreak of war in Saint-Domingue, Bailly announced that he awaited letters from the free pardos of that island that would relay their successes and support for a similar uprising in Louisiana. At that same party at Lalande's house he asked several whites and free pardos for any information they might have on happenings in Saint-Domingue. One gentleman recently arrived from there assured him that the rebels were conducting themselves well against the whites.

The ideals of radical revolutionaries in France and the example set by rebellious free blacks in Saint-Domingue and the other French islands, coupled with his own personal experiences of racial discrimination, motivated Bailly to

speak out against local injustice, even advocating violent revolution if necessary. Bailly's determined effort to secure equal rights for free pardos did not succeed: he landed in jail, Louisiana never experienced a revolution like the one in Saint-Domingue during its early phase, and free black rights and privileges deteriorated even further under United States rule. Without the protection of a paternalistic Spanish government free people of color in New Orleans encountered continuing attacks on their status as a distinct group; local whites endeavored to treat all persons of African descent like slaves. 40 Despite his failed attempts. Bailly voiced many of the frustrations free people of color experienced as they individually and jointly contested the anomalous, often tenuous, status they held in three-caste societies and demanded rights equal to those of whites.

Notes

¹Thomas T. McAvoy, <u>Guide to the Microfilm Edition of</u> the <u>Records of the Diocese of Louisiana and the Floridas</u>, <u>1576-1803</u> (Notre Dame: University of Notre Dame Archives, 1967), p. 11.

²Manuel Gayoso de Lemos, "Political Condition of the Province of Louisiana," AGI PC 313, 5 July 1792.

³For a discussion of Spain's defensive efforts in Louisiana in the 1790s see: Lachance, "Politics of Fear, p. 172; Liljegren, "Jacobinism in Spanish Louisiana," pp. 57-61; McConnell, Negro Troops, pp. 24-27.

⁴In the 1790s one of the principal dividing issues was the slave trade; officials debated whether to continue or ban importations from the West Indies and Africa. In

"The Politics of Fear" Lachance argues that the primary division was between the governors, who generally wanted to keep the trade open, and the cabildo (comprised mainly of planters and merchants), who wanted to close it. By mid-decade the two sides had united to ban the trade entirely in the interest of safety. Liljegrin also notes that Spanish officials and local leaders cooperated to protect themselves. Even though still suspicious of pro-French sentiment among the planters, Carondelet turned to them to restore order following the 1795 slave conspiracy. He had them select syndics from among themselves to enforce regulations, keep up patrols, police the areas, and make reports (Liljegrin, "Jacobinism in Spanish Louisiana," p. 64). Also see Hunt, Haiti's Influence, pp. 25, 27-28.

The 1795 slave conspiracy is discussed by Holmes, "Abortive Slave Revolt at Pointe Coupée," pp. 341-62 and Baade, "Slave Indemnities," pp. 102-9. More recently Ulysses S. Ricard, Jr. has examined new documents dealing with the 1791 conspiracy, as has Gwendolyn Hall for the 1795 conspiracy (Hall, Africans in the Formation of American Culture, forthcoming 1991). On the subject of communication networks, Liljegrin asserts that New Orleans served as an entrepôt for revolutionary propaganda routed into Mexico (Liljegrin, "Jacobinism in Spanish Louisiana," p. 60).

⁶Pitot, <u>Observations</u>, p. 3. Pitot apparently advocated moderation.

 $^7 \mbox{For reaction}$ to the conspiracies see Hall's forthcoming work and Holmes, "Abortive Slave Revolt."

⁸An informative overview of free blacks in the Caribbean is Cohen and Greene, "Introduction," pp. 1-18. Free black military service in Louisiana is discussed in Holmes, <u>Honor and Fidelity</u> and McConnell, <u>Negro Troops</u>. Also refer to Chapter 4 of this dissertation.

The two Bailly trials are: Criminales seguidos de oficio contra el Pardo Libre Pedro Bahy, SJR, 7 October 1791 and Testimonio de la Sumaria contra el Mulato libre Pedro Bailly, Theniente de las Milicias de Pardos de esta Ciudad, por haver prorrumpido especies contra el Govierno Español, y haverse manifestado adicto a las máximas de los Franceses rebeldes, AGI Estado 14, no. 60, 11 February 1794.

¹⁰Cohen and Greene, <u>Neither Slave Nor Free</u>; Foner, "Free People of Color": Lachance, "The 1809 Immigration": and Lachance, "Politics of Fear" all examine the phenomenon of three-caste societies and the anomalous position of free people of color in Louisiana and the Americas.

11David Geggus, "Racial Equality, Slavery, and Colonial Secession during the Constituent Assembly," American Historical Review 94:5 (December 1989): 1290-1308; Hall, "Saint Domingue."

 12 Refer to the discussion of government efforts to divide racial and legal groups in Chapter 6. For information on the incidence of collusion between free blacks and slaves throughout the Americas see Cohen and Greene, Neither Slave Nor Free.

¹³Lachance, "Politics of Fear," pp. 173-74; Liljegrin, "Jacobinism in Spanish Louisiana," pp. 47-97.

14Quoted in Hunt, Haiti's Influence, pp. 26-27.

15Quoted in Lachance, "Politics of Fear," p. 177; Hunt, <u>Haiti's Influence</u>, p. 26.

¹⁶For example, in July 1793 Carondelet deported sixty-eight suspects. Of special concern was Jean Pierre Pisgignoux and the French agent Auguste de la Chaise. See Hunt, <u>Haiti's Influence</u>, p. 25 and Liljegrin, "Jacobinism in Spanish Louisiana," pp. 51-58.

17This discussion of the Pointe Coupée conspiracies is based on notes taken by this author on two papers presented at the Louisiana Historical Association meeting, 16 March 1990: "The 1791 Slave Conspiracy in Pointe Coupée" by Ricard and "The 1795 Slave Conspiracy in Pointe Coupée: The Impact of the French Revolution" by Hall. Also refer to Hall's forthcoming book <u>Africans in the Formation of American Culture</u> and Holmes, "Abortive Slave Revolt."

 $^{18}\mbox{As}$ is examined further in this chapter, Bailly was one of the main participants in these conversations.

19The free moreno militia members were Lange's father-in-law, Francisco Delande, a soldier, and Rafael Bernabé, a corporal first-class. Bernabé was a joiner who specialized in wood work, already mentioned in Chapters 3 and 4. By 1801 Bernabé had been promoted to sergeant first-class of the first pardo militia company. He was forty-four years old and stood five feet four inches tall, French measure (AGI PC 159-B, 6 November 1793 and AGI PC 160-A, 1 May 1801). McConnell, Negro Troops, pp. 27-28 provides additional details concerning this case.

²⁰Bailly appeared in numerous notarial records that registered real estate and slave transactions, receipts for loans and obligations, slave manumissions, guarantees of other persons' loans, and bonds put up for jailed persons.

For example, one year after being manumitted, Bailly purchased a twenty-year-old morena slave for 220 pesos and sold her two years later for 400 pesos (Acts of Almonester y Roxas, f. 297, 13 May 1777 and f. 665, 14 December 1779). The June 1778 census noted that Bailly was a carter living on the left side of St. Peter Street with his wife, a morena slave, and three other free pardos. Twenty years later he resided in the Faubourg St. Marie and labored as a wood dealer. His household was comprised of thirteen individuals: four free pardos, one free morena, and eight moreno slaves (Recensement du Fauxbourg Ste. Marie, 1798, AGI PC 215-A). Josef Bailly freed his pardo slave Pedro on 28 March 1776 (Acts of Almonester y Roxas, f. 191); Pedro and Naneta recorded their marriage contract before the notary Almonester y Roxas on 25 April 1778, f. 25. Naneta's will see Acts of N. Broutin, no. 2, f. 13, 29 January 1800, and for records dealing with Bailly's mother see Acts of Almonester y Roxas, f. 211, 2 June 1781 and f. 214, 4 June 1781. The losses Bailly claimed in the 1788 fire are in AGI SD 2576, f. 535, 30 September 1788 and AGI PC 201, f. 44, 31 March 1788.

²¹As noted in Chapter 4, Dorville always included his militia rank in every document to which he was a party. In census records he defined his occupation as captain of the pardo militia, even though he primarily was a vendor. He obviously was very proud to be a militia officer.

²²Account of Bailly's Life and Career By Dorville and Simón, AGI Estado 14, no. 60, f. 40-52, 12 February 1794. After an extensive search no other documents have been located to support Dorville's and Simón's claims. appears as present on all extant militia rosters. As noted in following text, it is possible that Dorville and Simón made up the whole story. After all, Bailly, like the Pointe Coupée slaves, had been acquitted in 1791 under Miró's jurisdiction; more intense fear of slave revolt and free black/slave collusion most likely would affect Carondelet's decision. Maybe astute free blacks like Dorville and Simón. who had several personal and material reasons for attacking Bailly, perceived that the paranoid Carondelet would convict Bailly this time around. In the 1795 case, unlike the 1791 one, there were several white as well as free black witnesses to Bailly's actions.

²³Refer to Archer, <u>Army of Bourbon Mexico</u>; Campbell, "Changing Racial and Administrative Structure;" Holmes, <u>Honor and Fidelity</u>; Klein, "Colored Milita of Cuba;" Kuethe, "Status of the Free Pardo;" Landers, "Gracia Real de Santa Teresa de Mose;" and McAlister, "<u>Fuero Militar</u>" for further analysis of the prestige a military title conferred upon individuals in the colonies and Spain. Several court

proceedings demonstrate the extent of Dorville's economic See Court Proceedings of F. Broutin, no. 5, June-August 1791; no. 11, March-April 1792; no. 12, April-June 1792; no. 16, January-March 1793. Further research, especially into kinship networks discernable from the inaccessible sacramental records, is needed to reconstruct the attitudes and affiliations of Dorville, Simón, Bailly, and other free black deponents toward each It is known, however, that both Dorville and Simón continued to serve as militia officers well into the period of United States rule. Dorville was even involved in the 1806 free black/Spanish conspiracy revealed by Stephen and discussed in Chapter 8. Frustrated by United States reluctance to recognize the free black militia, Dorville "flaunted a Spanish cockade" and signed notarized records with the appendage "commandante de mulatos que en Tiempo de la Dominación Española" (McConnell, Negro Troops, p. 42).

 $^{24}\mathrm{Court}$ Proceedings of F. Broutin, no. 8, f. 75-92, 93-100, 12 September 1791.

²⁵Pedro Bailly solicitando que Don Luis Lalande Daprémont le satisfago el Almazenage de una partida de hierro que atenido en su Almazén de la pertenenda de dicho Daprémont, SJR, 13 October 1791.

 $^{26}\mbox{Cap}$ Français (a.k.a. el Guarico) is now known as Cap Haitien.

²⁷All four free pardos in this case were militia members; Bailly (43 years) and Brulé (50 years) were officers and Lalande (40 years) and Monplaisir (37 years) were soldiers. Interestingly the soldiers could sign their names, but the officers could not. Lalande was a carpenter and married to the parda libre María Gentilly, the natural daughter of Don Luis Dreux Gentilly. They lived on Bourbon Street. In 1793 a moreno slave sued Lalande for collection of a debt, but Lalande did not have the resources to repay it. He was imprisoned and died in jail a few months later (Court Proceedings of F. Broutin, no. 21, f. 1-99, 31 January 1793; 1791 Census). Lalande's cousin Carlos Brulé was also a carpenter. He married María Constancia, daughter of the free pardo silversmith Raimundo Gaillard, in 1777. The pardo officer Francisco Dorville witnessed the marriage. In 1791 Brulé lived on St. Philip Street with his wife, five children, and four slaves. Between 1791 and 1793 Brulé was promoted from sergeant second-class to sergeant first-class: Bailly concurrently rose from sergeant second-class to lieutenant. By 1801 he was fifty-eight years old and served as captain of the free pardo grenadiers (Marriage of Carlos Brulé to María Constancia, Sacramental Records, vol. 2, p. 38, 10 May 1777; 1791 Census; AGI PC 204, f. 790-91, 3

July 1791; AGI PC 191, f. 48-49, 6 November 1793; AGI PC 160-A, f. 354-65, 1 May 1801).

²⁸Bailly probably referred to the period when the Jacobins dominated French politics. In 1792 the National Assembly decreed full civil rights as Frenchmen for all free persons of color in the colonies (Hunt, <u>Haiti's Influence</u>, p. 22).

29Declouet was the son of Don Alexandro Declouet (colonel of the Fixed Infantry Regiment of Louisiana and a native of France) and Doña Luisa Favrot (native of Louisiana). He was a native of Louisiana and a tobacco merchant. In 1791 Declouet was twenty-five years old and lived on St. Peter Street. He had a natural daughter named Luisa (a mestisa libre, born December 1794) by the parda libre Clara López de Peña. Clara claimed to be of Indian descent and successfully sued to have her daughter's baptismal record transferred from El Libro de los Negros y Mulatos to El Libro de los Blancos (1791 Census; Proceedings by Clara López de Peña, Records of the Diocese of Louisiana and the Floridas, on microfilm at LHC, Roll 8, 14 September 1799).

30As of May 1796 Bailly was still imprisoned in Havana. Unlike four other white prisoners from New Orleans, he was not released in December 1795. He does not appear in the 1795 census of New Orleans or in the notarial records until 1796 (Don Luis de las Casas to Señor Príncipe de la Paz, Havana, AGI Estado 5, no. 107, 8 May 1796; El Señor Príncipe de la Paz to el Señor Governador del Consejo, Aránjuez, AGI Estado 5, no. 107, 15 May 1796; el Ph.e Obpo de Salamanca to el Señor Príncipe de la Paz, Madrid, AGI Estado 5, no. 107, 21 May 1796; 1795 Census; Acts of F. Broutin, no. 40, f. 328, 21 December 1796).

31The notarial records indicate that Bailly continued buying and selling slaves with persons of all colors. He frequently borrowed and loaned large sums of money. For example, Don Antonio Cavelier repaid him 2,230 pesos in 1801, and he gave power of attorney to another white person to collect a debt of 3,214 pesos (Acts of N. Broutin, no. 3, f. 94, 23 March 1801 and no. 4, f. 56, 5 February 1802). For the registration of Bailly's promotion see Acts of F. Broutin, no. 47, f. 31, 12 March 1798. Also see Recensement du Fauxbourg Ste. Marie, 1798, AGI PC 215-A; Address from the Free People of Color, January 1804, in Territorial Papers of the United States, Carter, comp. and ed., 1X:174-75). Bailly also was involved in the Batture Case of 1807 (McConnell, Negro Troops, pp. 28-29).

32Alfred Hunt identifies "a rigid caste system exist[ing] in eighteenth-century St. Domingue that divided society into four well-defined groups, the grand blancs and their rivals, the petit blancs, the gens de couleur (affranchis), and the slaves" (Haiti's Influence, p. 11). The threat of black dominance united whites of all classes in Louisiana, but this threat could not repair the schism dividing Saint-Domingue whites. Also see Hall, Social Control in Slave Plantation Societies: A Comparison of St. Domingue and Cuba (Baltimore: The Johns Hopkins Press, 1971). A similar crystallization occurred in Louisiana in the nineteenth century as sugar production intensified.

³³Geggus, "Racial Equality," p. 1307; Hunt, <u>Haiti's Influence</u>, p. 13. The assembly granted free blacks rights as citizens equal to whites, but planters and officials in the colonies refused to recognize these gains for the gens de couleur libre.

34Hunt, Haiti's Influence, pp. 14, 18.

35Geggus, "Racial Equality," p. 1297, fn. 47.

³⁶Bailly, however, frequently associated with free morenos on both business and personal levels. The godfather of Bailly's son Pedro was Francisco Brantant, a free moreno (Baptism of Pedro Bailly, <u>Sacramental Records</u>, vol. 2, p. 12, 17 July 1782). Leduf testified that Bailly frequently ate with the officers of the moreno company. This statement also indicated that the free pardo and free moreno officers usually supped separately.

37Geggus, "Racial Equality," p. 1297.

³⁸Refer to Chapter 6 for a discussion of socialization among "personas de varias clases y colores."

³⁹In "Jacobinism in Spanish Louisiana" Liljegrin examines the dissemination of notions considered dangerous by Spanish officials. Also refer to Chapter 6 for more information on the social activities of whites, slaves, and free people of color despite government attempts to prevent interracial gatherings. Authorities especially tried to prevent slaves from gambling, drinking, dancing, and trading with free blacks and whites.

⁴⁰Baade, "Law of Slavery in Spanish Luisiana;" Berlin, <u>Slaves Without Masters</u>; Blassingame, <u>Black New Orleans</u>; McConnell, <u>Negro Troops</u>; Schafer, "'Open and Notorious Concubinage'" along with other works cited in Chapter 8 examine the declining status of free people of color in antebellum New Orleans and Louisiana.

CHAPTER 8 CONCLUSION

On 20 December 1803 free persons of color in their militia units and as part of the multitude watched officials raise the Stars and Stripes over New Orleans' Plaza de Armas and ceremoniously transfer the former French and Spanish colony to the United States. Few anticipated the drastic reductions in their rights, privileges, social and material status, and freedom of assemblage and movement that world events, Anglo laws and attitudes, and economic and demographic trends would prompt over the next few decades. With the Americanization of Louisiana and commercialization of sugar production, free blacks encountered increasing discrimination and legal restrictions. Free people of color in antebellum New Orleans, like the "large mulato populations of Saint-Domingue and Cuba suffered persecution and exclusion during periods of rising expectations, sugar boom, and self-generated economic competition."1

During the first decades of United States rule sugar production and trade exploded, profit-oriented planters and merchants introduced thousands of African American slaves, and Caribbean refugees, European reactionaries, and American laborers poured into lower Louisiana. A rising tide of

racism accompanied the closing and more precise defining of white society, an influx of white women, and more intense competition between free black and white labor in the antebellum period. Unaccustomed to large, influential groups of free blacks, Anglos and even Latins in New Orleans regarded their numbers, skills, and military power, all primarily gained during the era of Spanish rule, with trepidation.²

White New Orleanians quickly moved to disband the city's prestigious, armed free black militia units, to limit manumission procedures, and to keep free blacks out of the territory and state. Although governor William C. C. Claiborne with federal approval tried to retain but not enlarge New Orleans' free militia of color, territorial legislators omitted and thereby inactivated the battalion in militia acts of 1804, 1805, 1806, and 1807. Like most local whites, Claiborne suspected the loyalty of trained, wellequipped free blacks who might very readily join with rebellious slaves and Spanish conspirators to challenge Louisiana's planter/merchant/bureaucrat elite. He, however, did not want to alienate such influential free persons of color and thus walked a thin line of compromise. To that end Claiborne accepted and forwarded militia members' expressions of fealty, recognized their right to organize, appointed two white officers to command the free black battalion, and presented it a standard. A petition

presented to Claiborne and other United States officials within a month after the transfer best conveys free black militia members' sense of their heritage and hope for future equality under the American republic:

We are Natives of this Province and our dearest Interests are connected with its welfare. We therefore feel a lively Joy that the Sovereignty of the Country is at length united with that of the American Republic. We are duly sensible that our personal and political freedom is thereby assured to us for ever, and we are also impressed with the fullest confidence in the Justice and Liberality of the Government towards every Class of Citizens which they have here taken under their Protection.

We were employed in the military service of the late Government, and we hope we may be permitted to say, that our Conduct in that Service has ever been distinguished by a ready attention to the duties required of us. Should we be in like manner honored by the American Government, to which every principle of Interest as well as affection attaches us, permit us to assure your Excellency {Governor Claiborne} that we shall serve with fidelity and Zeal. We therefore respectively offer our Services to the Government as a Corps of Volunteers agreeable to any arrangement which may be thought expedient.

Referring to themselves as "free Citizens of Louisiana," free black militia members judiciously voiced their "Sentiments of respect & Esteem and sincere attachment to the Government of the United States."

Faith in the American government's goodwill, however, eroded as local leaders enacted harsh Black Codes.

Unrestrained by a paternalistic Spanish government, fearful of slave unrest, and increasingly disposed toward Anglo racial attitudes and legal traditions that emphasized individual property rights, Louisianians moved to control every action of their bondspersons, including interaction

with free persons of color. The Black Code of 1807 and various other rulings decreed that slaveholders could not free slaves under the age of thirty, that they had to post bond upon manumission, and that the newly freed had to leave the territory. Laws also required free black residents to carry proof of free status with them at all times and forbade marriage between whites and blacks and even between free blacks and slaves. In addition, free persons of color from the West Indies or anywhere else could not enter Orleans Territory under threat of a twenty-dollar fine for every week they stayed. In 1809 the United States congress overrode local legislation to allow 9,059 Saint-Domingue refugees from Cuba to land at New Orleans free of penalties. Among these exiles were 3,226 slave and 3,102 free persons of African descent. 5

Several dissatisfied free persons of color chose either to flee or fight. Some accepted Spain's proffered asylum in the bordering territories of Florida and northern New Spain. Their wealth, education, and manners the target of envy and harassment, other propertied free blacks migrated to Mexico and the West Indies, "where they hoped to resume planting and commerce unfettered by American legal and social discrimination." More drastic measures included plotting with Spanish officials to overthrow the American regime. In January 1806 a free black named Stephen informed Governor Claiborne that almost every free man of color living in the

city's environs gathered at various homes, taverns, and businesses to discuss actions they could take against the territorial government. All possessed guns, ammunition, and training. These free black friends of the Spanish awaited orders from the Marqués de Casa Calvo, former governor of Louisiana, to join with Spanish troops, Amerindian allies, and black slaves in toppling Anglo dominion in the Mississippi Valley. While Claiborne did not entirely believe Stephen's accusations and thus did not investigate further, he did place a white militia company on nightly guard duty.

In light of these activities, authorities questioned the allegiance of a free black population embittered by official neglect. Despite elite apprehension, however, most free persons of color continued to demonstrate their fidelity to both still-fledgling union and local white rule. In January 1811 slaves on the Andry plantation forty miles above New Orleans rose in rebellion, killing whites and gathering adherents as they marched from Saint John the Baptist Parish toward New Orleans. As they had for Spain, free black volunteers offered their services and joined union regulars and local militia in quelling this insurrection, the largest slave revolt in United States history. Through their actions free persons of color attempted to show white community leaders that they valued their individual free status and stake in Louisiana's slave

society over general emancipation for black bondspersons; they continued to support a three-caste society. 9

Free persons of color further demonstrated their loyalty to Louisiana and the United States during the War of 1812, specifically in the Battle of New Orleans. Following the 1811 slave uprising, Claiborne noted that free black militiamen had performed "with great exactitude and propriety," and he urged legislators to organize a militia strong enough to protect the territory from internal and external attacks. Finally, compelled by the impending threat of war against Britain, Louisiana lawmakers approved on 7 September 1812 a militia act that included "a certain portion of chosen men from among the free men of color."9 Four companies of sixty-four men each, officers included, comprised the newly formed Battalion of Chosen Men of Color, limited to men who had paid a state tax and for two years previous had owned real property worth at least 300 dollars. A white man commanded the battalion, but free men of color held lower-ranking positions.

Louisiana was the first state in the union to commission a military officer of African descent, second lieutenant Isidore Honoré, even though Spain, France, and Portugal had been doing so for centuries. The state's 1812 militia act also constituted "the first time in the United States that a Negro volunteer militia with its own Negro line officers was authorized by state legislative

enactment."¹⁰ This act basically reactivated, with some modifications, the militia organization Louisiana inherited from the Spanish. Furthermore, in New Orleans on 19

December 1814 General Andrew Jackson appointed Joseph Savary to the rank of second major in the United States army, the first free African American accorded this high position. A distinguished officer of France's army in the former colony of Saint-Domingue, Savary recruited enough refugees to form the Second Battalion of Free Men of Color.

Desperately short of manpower, Jackson welcomed both battalions to his Louisiana campaign forces and sought to expand their size and involvement. In his September 1814 address "To the Free Coloured Inhabitants of Louisiana" Jackson appealed to that group's patriotism, summoned then to serve the United States valiantly and selflessly, as they had Spain during the colonial era, and invited them to join in the "glorious struggle for National rights" in pursuit of "the path to glory." In promising them separate but equal treatment, Jackson guaranteed free black militia forces the same treatment and rewards accorded white soldiers, and in general he fulfilled that obligation. 11

Military service in the Battle of New Orleans, though it did not elevate the status of Louisiana's free population of color, helped to preserve its legal, social, and economic position up to the 1830s, when white retaliation against abolitionists and free blacks emerged strong in the state. The free black militia continued to muster and train after the Battle of New Orleans until the state legislature disbanded it in 1834. Demise of the militia resulted from free black indifference as well as growing white hostility: veterans grew old and died, and potential recruits struggling merely to survive no longer had the time or desire to participate in military service. Sometime during the 1830s a free man of color who had served in the Battle of New Orleans composed a poem under the pseudonym of Hippolyte Castra. Five stanzas of eight verses in French, the poem relates the fraternization of white and black heroes, drawn together by their common experience, gradually replaced by the "disillusionment and bitterness of the colored men who subsequently felt the sting of race prejudice, persecution, and rejection." 12

In fact, the city's free blacks did not develop a strong sense of group identity until the antebellum period, especially after 1830, when they coalesced to combat attacks on their intermediary position in a three-caste society. A similar process transpired in eighteenth-century Saint-Domingue and nineteenth-century Cuba. 13 During much of New Orleans' colonial period free blacks "generally accepted and identified with the colonial status structure. "14 Interpersonal relations in this small, economically backward community on Spain's northern frontier ameliorated prejudice, fostered interaction and understanding among the

races, and enabled individuals to advance, always within acceptable limits, on their own merit or with the aid of kin (fictive and consanguineal) connections. As in Spanish St. Augustine, "a fairly fluid social system" and "relaxed personal relations" characterized colonial New Orleans. 15 Free blacks in New Orleans and throughout the Americas imitated white vecinos in manner and attitude in order to distance themselves from slave status, gain acceptance, and cultivate patronage. 16

When the dominant white society moved to define free blacks as inferior or equal to slaves, however, free persons of color commonly united in order to resist or withdraw. late eighteenth-century Saint-Domingue the gens de couleur met their dashed expectations of equality with violence. antebellum New Orleans free blacks combated discrimination by distancing themselves from it. Spurned by a white society that relegated them to the vastly inferior social and legal level of bondspersons, black New Orleanians formed their own congregations, neighborhoods, mutual aid organizations, religious orders, schools, and literary and musical societies. Free blacks joined these organizations in increasing numbers prior to and after the Civil War in part to elude the humiliation of discrimination, boost afflicted feelings of self-worth, and pass beliefs and value systems to future generations. 17

Even in the face of escalating repression that spread throughout the southern United States in the antebellum era, the free black population of New Orleans was renowned for its size and prosperity, much like that of Charleston.

Louisiana had "the highest proportion of freedmen to slaves in the ante-bellum South in the first three decades of the {nineteenth} century," in large part due to Spain's promotion of manumission rights for slaves and of growth among the free black population. Throughout the antebellum period free persons of color made up about forty-five percent of New Orleans' non-white population. Travelers frequently commented on

the large proportion of blacks seen in the streets, all labor being performed by them; the grace and beauty of the elegant Quadroons. . . {New Orleans society} contained two distinct sets of people, both celebrated, in their way for their social meetings and elegant entertainments. The first of these is composed of Creole families, who are chiefly planters and merchants. . . The other set consists of the excluded but amiable Quadroons. . . Of all the prejudices I have ever witnessed, this appears to me the most violent, and the most inveterate. Quadroon girls, the acknowledged daughters of wealthy American or Creole fathers, educated with all the style and accomplishment which money can procure at New Orleans . . . are not admitted, nay, are not on any terms admissible, into the society of the Creole families of Louisiana. ¹⁹

At about the same time, in the 1820s, German visitor Paul Wilhelm, Duke of Württemberg, noted that "the Negroes, Mulattoes, and such, classified as either free or slave, constitute the major population of the city and the flat country." Two decades later Briton Sir Charles Lyell wrote that "when passing through the stalls (of the New Orleans

marketplace}, we were surrounded by a population of negroes, mulattos, and quadroons, some talking French, others a patois of Spanish and French."²⁰

As they had in the colonial period, New Orleans free blacks owned plantations, urban properties, slaves, livestock, jewelry and other personal goods, boats, carriages, and small businesses. Saint-Domingue was not the only region that could claim a "significant group of landowners {to} emerge among the free colored class prior to abolition."²¹ Louisiana legal codes and courts rarely assailed free black rights to accumulate property and transfer it to their heirs. In addition, refugees from Cuba and Saint-Domingue in the early 1800s augmented the numbers, holdings, and talents of the city's free population of color. With secession and war impending, propertied free persons of color, especially those who owned slaves, rallied to the southern cause. They declared in an edition of the New Orleans Daily Delta:

The free colored population of Louisiana . . . own slaves, and they are ready to shed their blood for her defense. They have no sympathy for abolitionism; no love for the North, but they have plenty for Louisiana. . . . they will fight for her in 1861 as they fought in 1814-'15. All they ask is a chance and they will be worthy sons of Louisiana.²²

Antebellum New Orleans' unusually large, influential, propertied free population of color derived from circumstances prevailing in the Spanish period.

Demographic, economic, political, and military conditions

fused with cultural/legal traditions to favor the growth and persistence of a substantial group of free pardos and morenos. Although Spain promoted the rights of free black and slave laborers and potential allies for its own strategic purposes, white and free black colonists and their black slaves utilized Spanish provisions to their own advantage. For example, implementation of coartación gave slaveholders not only years of slave labor but also compensation for their slave property, usually at inflated values and in one lump sum of hard cash. It also gave slaves incentives to work even harder and save their earnings rather than "squander" them on liquor and entertainment. Like slaves in Rio de Janeiro, the majority of persons of African descent earned their liberty and whatever property they acquired themselves, rather than benefitted from the generosity of individual masters. 23 Not all slaves sought freedom, a state that free persons of color rarely enjoyed to the extent that white persons did, but those who did yearn for liberty had a better chance of succeeding under Spain's dominion than under either France's or the United States'. During the Spanish regime "by filling an economic need and by serving the Spanish government's aim of using them to offset a class of recalcitrant, and sometimes, hostile, French planters, the free colored played a necessary if anomalous role in the life of the colony."24

Notes

¹Fiehrer, "African Presence," pp. 23-24. Fiehrer and other recent scholars of Louisiana emphasize the "continuity of Caribbean culture."

²Clark, <u>New Orleans</u>, pp. 275-329; Fiehrer, "African Presence," p. 4; Geggus, <u>Slavery, War, and Revolution</u>, p. 21; James E. Winston, "Notes of the Economic History of New Orleans, 1803-1836," <u>Mississippi Valley Historical Review</u> 11:2 (September 1924): 200-26.

³Everett, "Emigres and Militiamen: Free Persons of Color in New Orleans, 1803-1815," <u>Journal of Negro History</u> 38:4 (October 1953): 377-94; McConnell, <u>Negro Troops</u>, pp. 33-55; Winston, "The Free Negro in New Orleans, 1803-1860," <u>LHQ</u> 21:4 (October 1938): 1075-79.

4"Address from the Free People of Color," January 1804, in <u>Territorial Papers of the United States</u>, ed. Carter, IX:174-75. Interestingly, the militia members addressed Claiborne as "Governor General and Intendant of Louisiana," the title given to *Spanish* governors.

⁵Everett, "Emigres and Militiamen," p. 385; Lachance, "1809 Immigration," pp. 109-19; McConnell, <u>Negro Troops</u>, pp. 46-47. Judith K. Schafer notes that many of these laws restricting manumission were not enforced in New Orleans ("'Open and Notorious Concubinage': The Emancipation of Slave Mistresses by Will and the Supreme Court in Antebellum Louisiana," LH 2812 (Spring 1987): 165-68).

⁶Fiehrer, "African Presence," p. 5.

⁷Everett, "Emigres and Militiamen," pp. 383-84; McConnell, Negro Troops, pp. 41-42.

⁸Glenn R. Conrad, "Summary of Trial Proceedings of Those Accused of Participating in the Slave Uprising of January, 1811," LH 18:4 (Fall 1977): 472-73; James H. Dorman, "Persistent Specter: Slave Rebellion in Territorial Louisiana," LH 18:4 (Fall 1977): 398-404; McConnell, Negro Troops, pp. 48-49. As seen below, Louisiana's propertied free persons of color offered their services to the Confederacy on the eve of the civil War.

9McConnell, Negro Troops, pp. 49-53.

10McConnell, Negro Troops, p. 53.

11McConnell, Negro Troops, pp. 63-64.

 $$^{12}{\rm McConnell}$, Negro Troops, pp. 91-115. McConnell provides the poem, translated to English, on pages 107-8:$

The Campaign of 1814-15

I remember that, one day, during my childhood, A beautiful morning, my mother, while sighing, Said to me: "Child, emblem of innocence, "You do not know the future that awaits thee. "You believe that you see your country under this beautiful sky "Renounce thy error, my tender child, "And believe above all your beloved mother. . . . "Here, thou art but an object of scorn."

Ten years later, upon our vast frontiers, One heard the English cannon, And then these words: "Come, let us conquer, my brothers, "We were all born of Louisiana blood."

At these sweet words, and embracing my mother, I followed you, repeating your cries, Not thinking, in my pursuit of battle, That I was but an object of scorn.

Arriving upon the field of battle, I fought like a brave warrior; Neither the bullets nor the shrapnel, Could ever fill me with fear. I fought with great valor with the hope of serving my country, Not thinking that for recompense I would be the object of scorn.

After having gained the victory,
In this terrible and glorious combat,
All of you shared a drink with me
And called me a valiant soldier.
And I, without regret, and with a sincere heart,
Helas! I drank, believing you to be my friends,
Not thinking, in my fleeting joy
That I was but an object of scorn.

But today I sigh sadly
Because I perceive a change in you:
I no longer see that gracious smile
Which showed itself, in other times, so often
Upon your honeyed lips.
Have you become my enemies?
Ah! I see it in your fierce looks,
I am but an object of your scorn.

13Foner, "Free People of Color in Louisiana and St. Domingue," pp. 406-30; Geggus, Slavery, War, and Revolution, pp. 19-20; Knight, Slave Society in Cuba and "Cuba," in Neither Slave Nor Free, ed. Cohen and Greene, pp. 289-305. Geggus observes that as sugar cultivation intensified "during the eighteenth century a body of racist legislation was built up from both local and metropolitan enactments that was perhaps unequalled in the West Indies" (Slavery, War, and Revolution, p. 21). Also see note 1 of this chapter.

14Fiehrer, "African Presence," p. 22.

¹⁵Landers, "Black Society," p. 23. Knight also states that in Cuba's pre-plantation phase "social and legal divisions between the racial groups tended to be flexible" ("Cuba," p. 300).

16Geggus, Slavery, War, and Revolution, pp. 20-21; Klein, African Slavery, p. 234.

17Berlin, Slaves Without Masters, pp. 118-29; John Blassingame, Black New Orleans, 1860-1880 (Chicago: University of Chicago Press, 1973), pp. 1-22; Cohen and Greene, "Introduction," pp. 15-16; Leonard P. Curry, The Free Black in Urban America, 1800-1850: The Shadows of a Dream (Chicago: University of Chicago Press, 1981); Foner, "Free People of Color in Louisiana and St. Dominque," pp. 406-30; Geggus, Slavery, War, and Revolution, pp. 20-21. For example, "by the late 1830's a Negro Philharmonic Society was organized with over one hundred members. Its purpose was to provide formal music for those who objected to sitting in segregated sections in the theaters" (Kmen, Music in New Orleans, p. 234).

18Quote from Baade, "Law of Slavery," p. 47.
Domínguez, White by Definition, pp. 116-17; Schweninger,
Black Property Owners in the South, 1790-1915 (Champaign-Urbana: University of Illinois Press, 1991) and
"Prosperous Blacks in the South, 1790-1880," pp. 31-56.

¹⁹Frances Trollope, <u>Domestic Manners of the Americans</u>, ed. Richard Mullen (Oxford: Oxford University Press, 1984), pp. 9-10.

²⁰Charles Lyell, <u>A Second Visit to the United States of North America</u>, 2 vols. (London: John Murray, 1849), II:130; Paul Wilhelm, <u>Travels in North America</u>, 1822-1824, trans. W. Robert Nitske (Norman: University of Oklahoma Press, 1973), p. 33.

²¹Quote from Klein, <u>African Slavery</u>, p. 237; Using United States census returns for 1850, 1860, and 1870, Schweninger calculates that Louisiana had the greatest number of free blacks holding at least \$2,000 in real estate and having the highest average value of real estate holdings in the Lower and Upper South (with the one exception that in 1870 free people of color in Missouri had a slightly higher average real property holdings value=\$6,100). The Civil War devastated Louisiana's free black property holders; their real property holdings fell from an average of \$10,311 in 1860 to \$5,730 in 1870, even though the number of them having at least \$2,000 in real estate rose from 472 to 510 ("Prosperous Blacks in the South, 1790-1880," pp. 39, 46, 50, 52).

²²New Orleans <u>Daily Delta</u>, 28 December 1860.

²³Karasch argues that "Cariocan slaves joined the ranks of the freed not because 'benevolent' masters kindly gave it to them, but because they earned it" (<u>Slave Life in</u> <u>Rio</u>, pp. 336-37).

²⁴Fiehrer, "African Presence," p. 25.

APPENDIX A
NEW ORLEANS OCCUPATION DATA FOR HOUSEHOLD HEADS,
1791 AND 1795

Table A-1 Occupation by Sector, Street, and Race New Orleans, 1791

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E 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Cnier Practitione: Physician. Apothecary	t.			1/0				1/0	1/0							1/0	1/0				
E 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Retail Grafts																					
t 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Tailor Baker	1/0		1/0	1/0			1/0	1/0	1/0	1/0	1/0	1/1	0/1	2/0	2/0	6/1		2/0			
t 1/0 1/0 1/0 Libeant 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Conrectioner Butcher Pork Butcher		1/0		1/0	1/0					1/0			0/1			1/0		2/0			
1/0 2/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1	Cigarmaker/ Tabacconist		1/0			1/0				1/0												
1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Arts/Entertainment																					
	Artist Musician Violinist Cantor Storyteller			1/0						1/0	1/0			2/0			1/0	1/0	1/0			
	Carter/Cartwright Blacksmith	2/0		1/0	1/0			1/1	1/0	1/0		1/0		1/0				5/0				
2/0 1/0 1/0 1/1 1/0 1/0 1/0 1/0 1/0 1/0	innkesper Tavernkesper Billiard Hall Owner	1/0	0/9	3/0	2/0	3/0		11/0		2/0	2/0			1/0	3/0	1/0	2/0	2/0		1/0		
2/0 1/0 1/0 1/0 1/1 1/0 1/0 1/0 1/0 1/0 1	Miscellaneous																					
Let $2/0$ 1/0 1/0 1/0 1/1 1/0 1/0 1/0 1/0 1/0 1/0	Gravedigger Barber Hunter					1/0		2/0												1/0		
1/0 4/0 1/0 1/0 1/1 1/0 1/0 1/0 1/0 1/0 1/0 1	HANDPACTURING SECT	OR																				
10 6/0 1/0 1/0 1/0 1/1 1/0 1/0 1/1 1/0 1/0 1	Silversmith Cooper Caulker	1/0		1/0		1/0		1/0	2/0	1/0		0/1		:	1/0		1/0	1/0	%			
1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	Mason Chairmaker	1/0	1/0	1/0	1/0	2/0	1/0	2/0		1/0				2/0				5				
1/0	Carpenter		1/1	2/0			1/1		1/0	1/1		0	0/1	5/1		1/0	1/0		4/0			

1/0	1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	3/0	1/0	3/0	1	17.0			2/0	2/0	1,0	ı	
1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0 1/0	3/0				•	1	1/0		1/0	3/0	-	1/0	11/5 1/0 1/0 1/0 1/0
3/0 5/0 3/0 2/0		1/0				1/0	۰		1/0	2/0			3/0
0/2 0/6 0/5 0/2	2/0	11/0	1/0		1/0 4 2/0 1 6/0 2	4/0	0/8	2/0					30/0
ANTECRITANNOUS Laborer Laborer 1/0													1/0
Agriculture Farmer 1/0 Momorchuctive	1/0												2/0
nabited 1/0 Inhabitent 1/0 Invalid					1/0	1/0					1/0		1/0

* number of whites/number of free persons of color

TOTAL427/20

Note: First page of census with data on Front Street and part of Bienville Street is missing.

Source: 1791 Censue.

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Table A-2 Occupation by Sector Quarter, Race, and Gender New Orleans, 1795

	Fir	st C	uart	er	Sec	ond	Quar	ter	Thi	rd (uart	er
Occupation	WM	WF	ВМ	BF	WM	WF	BM	BF	WM	WF	BM	BF
PUBLIC SECTOR												
Civil												
Intendant Secretariat	1											
Legal Advisor Military Legal	1											
Advisor Customs Treasurer	1											
Postmaster	1											
Royal Accountant Royal Quartermaster	_								1 2			
Solicitor Notary, Court Clerk	2				1							
Accounting Clerk					1				1			
Process Server Interpreter	1				1				1			
	-								1			
Ecclesiastical												
Head Master	1											
Alms Collector Capuchins	2				5							
Hilitary												
Officer	16				5				16		1	
Adjudant Major Mayor de Plaza					1				1			
Cadet					-				1			
Sergeant Corporal	5								4			
Soldier	3				1				1			
Rifleman					2							
Drummer					1							
Law Enforcement												
Customs Guard Artillery Ware-	3				2				1			
house Guard									1			
Prison Guard									ī			
Jailer Hospital Steward	1				1							
proce oceward	_											

	Fir	st c	uart	er	Sec	ond	Quar	ter	Thi	rd C	uart	er
Occupation	WM	WF	вм	BF	WM	WF	ВМ	BF	WM	WF	ВМ	BF
SERVICE SECTOR												
Professionals												
Accountant					2				1			
Engineer									1			
School Master	1				1				2			
Surgeon	4				2				3			
Practitioner at	-											
Hospital	1											
Physician	2								1			
Midwife												1
Apothecary	1								1			
Retail Crafts												
Tailor	8				2		2		5		1	
Seamstress		8		4						21		26
Baker	6				5	1			2			1
Cook									1			
Pastry Cook					. 1				2		1	
Butcher					, 1				1		2	
Delicatessen or Pork Shop Owner												2
Arts & Entertainment												
Artist Sculptor	2				1				2			
Actor	2				1				1			
Writer	1				1				1			
Storyteller	1				1				_			
Singer (cantor)	1				1				1			
Musician					1				i			
Dance Master	1				1				1			
Travel & Transport												
Carter	1				2				5			
Blacksmith	4		1		1		1		1		1	
Ferryman					1							
Innkeeper	3				3				1			
Restauranteur/												
Caterer/Innkeeper	1				1							
Tavernkeeper	16			1	12				8			1
Tavern Waiter/ Assistant					1							
Billiard Hall												
Owner	4											
Hiscellaneous												
Hunter							2		1		4	
Laundress								1		1		31

	Fir	st Q	uart	er	Sec	ond	Quar	ter	Thi	rd C	Quart	er
Occupation	WM	WF	ВМ	BF	WM	WF	BM	BF	WM	WF	BM	В
MANUFACTURING SECTOR												
Transport												
Sailmaker	1											
Saddler	1				1				2			
Wheelwright	1											
Caulker	1				1				3			
Cooper	1		2		3							
Ropemaker					1							
Building												
Builder	1											
Joiner	1		1		3		1				3	
Carpenter	3		7		5		1		8		13	
Locksmith/												
Ironworker	1											
Furner	1											
Mason											1	
Apparel												
Shoemaker	6		2		1		1		2		7	
Shoemaker Apprentice							3					
Hatter					3							
Tanner					1				1			
Effects												
Silversmith	2				1		1		1		1	
Cutler/Hardwareman	2											
Watch/Clock Maker	1				1				1			
Armorer/Gunsmith	1				1		1					
Mattressmaker												1
COMMERCIAL SECTOR												
dariners												
2-11-4 0661									1			
Galley Officer									3			
Ship Captain					1				3			
Skipper of Vessel Sailor					2				4			
salior Sisherman					1				2			
Merchants & Support												
/holesaler	10				14		1		2			
Merchant Businessman	1				2		-		-			
Broker/Agent	î				ĩ							
Commissioner/Purser	-				2							
Merchant Clerk					3							
Shopkeeper/Retailer	18				45	1		1	5			10
Coultry Dealer	1				4.5	-		-	-			10
Secondhand Dealer/	-											

	Fir	st C	uart	er	Sec	ond	Quar	ter		rd (Quart	er
Occupation	WM	WF	вм	BF	WM	WF	ВМ	BF	WM		вм	BF
MISCELLANEOUS												
Laborer												
Hospital Employee	1				1				1			
Day Laborer Customs Employee					1				1			
Agriculture	•											
Planter/Farmer/ Colonizer	7	4			3	1			5		1	1
Nonproductive												
Bourgeois/Citizen Person of Indepen- dent Means						4			5	17		
Retired	1											
TOTAL .	166	12	13	5	139	7	14	2	121	39	36	91
WM=White Male WF=White Female								k Male				
ir-mirce remare					. m-r	Tee	Lac	v reme	120			

Source: 1795 Census.

APPENDIX B REGULATIONS GOVERNING NEW ORLEANS' FREE MILITIA OF COLOR

Organization of the white and free black militias of Louisiana was based on Cuba's 1769 "Reglamento para las milicias de infantería y dragones de la isla de Cuba" compiled by General Alexandro O'Reilly. This codification obligated all physically capable men between the ages of fifteen and forty-five to serve. The reorganization plan converted several existing and almost all new militia companies from urban to provincial or disciplined units. Although Louisiana's white and free black militias officially were classified as urban until 29 March 1796, they functioned in practice as disciplined units because of the colony's frontier character and purpose as a defensive bulwark for New Spain.

In Louisiana, as in other Spanish American colonies, colonial administrators were torn between their distrust of the free black man's capacity to command and the need to enhance morale and loyalty among free black troops. They partially resolved this dilemma by adopting the solution used by other officials: a dual system of command. Led by free black noncommissioned officers, first and second lieutenants, captains, and commanders, the free colored

militia companies were supervised by white advisors who formed part of the plana mayor (headquarter command and staff group). During the 1780s Louisiana created the post of Garzón de Pardos y Morenos Libres and promoted the white first sergeant Juan Bautista Mentzinger to fill this post at the grade of second lieutenant. Mentzinger was the only person to hold this position; in the 1790s reorganization of the free black militia reverted back to its free black commander/white advisor pattern. By 1801, however, the free pardo and moreno militia battalions had both one white commander who formed part of the Plana Mayor de Pardos and the Plana Mayor de Morenos. S

The "Reglamento para las Milicias de Infantería de Pardos y Morenos, de Nueva Orleans" promulgated by Louisiana's governor, the Marqués de Casa Calvo, on 13 April 1801, synthesized and recorded scattered ordinances that had been in practice for several years. As was true for many of the provisions that governed Louisiana, the New Orleans reglamento was modeled on Cuban legislation, in this case the 1780 "Reglamento de Milicias de Havana." It comprised nine chapters covering such subjects as the foundation, strength, and makeup of the corps; governing and police regulation; discipline; privileges; penalties and punishments; promotion and filling of positions; marriage

regulations; uniforms, badges, and emblems; and requisites for distinguished merit awards.

In order to obtain as many troops as possible, the reglamento ordered colonial officials to prepare a list of all free black individuals between the ages of fifteen and forty-five capable of carrying arms, compiled according to neighborhood residence or temporary location in other parts of the colony. The list was to detail the age, height, and general health (robustez) of each man within one hundred leagues (300 land miles) of the city, and the captain of each company was to keep this roster current. The structure of each pardo and moreno company consisted of one captain, lieutenant, second lieutenant, and sergeant first-class, one or two sergeants second-class, six corporals first-class, six corporals second-class, and seventy-four soldiers, although the actual numbers rarely followed these guidelines. Each company also had drummers and fifers, who were to be free and of the same color as their unit and could begin service at age five. The physician Don Domingo Fleytas administered to both the disciplined white militia and the free pardo and moreno militias. For the battalion of free pardos of New Orleans the uniform was a white jacket with inlaid collar and gold buttons, trousers, round hat with a crimson cockade, and black half boots. Members of the free moreno battalion

dressed similarly but in a green jacket with white buttons and lapels. 8

Included in the qualifications for officers, sergeants, and corporals were knowledge of reading and writing, ability to command, honesty, and a decent, proper lifestyle respective to the officer's social position. Even though the reglamento stipulated that administrators prepare service records (hojas de servicio) for each officer and noncom, scholars have not found any such documents for free blacks in Louisiana or any other part of Spanish America. Accorded the same authority as commanders of other veteran and militia regiments, the commanders of pardo and moreno battalions had the power to arrest and punish any soldier or officer who disobeved orders, took absence without leave, or displayed disrespect. All militia members could petition for redress of any presumed injustice; royal administrators encouraged them to do so even though the process might be long and expensive. The reglamento instructed all officers to inculcate in their companions a love of royal service and military glory through word and deed.

The reglamento also specified requirements for the recruitment of the rank and file. During times of war the age qualification of fifteen to forty-five years could be extended in order to recruit more milicianos. Although soldiers were to stand at least five feet tall, they could

be slightly shorter as long as they were in good health. No capable man was exempt from the obligation to defend his patria and king, but the rules stipulated that officers enlist lawyers, notaries, scribes, pharmacists, doctors, surgeons, ecclesiastics, school masters, and various local public officeholders only as a last resort. The exemption, however, did not apply to the individual's children, clerks, servants, or other dependents.

Other regulations described privileges, limitations, and responsibilities. Although required to pay many taxes along with other crown subjects, militiamen did not have to pay licensing fees to operate stores, market goods, or practice a trade. Whereas free black militia units had to drill one day each week -- whichever day would be least burdensome to the poor -- and were subject to a rigorous annual inspection, they could be mustered into active service only during crisis situations or when every vecino concurred. They could remain in any one area for a period no longer than two hours. In all other cases the commander was to render the governor a precise account of the proceedings and pay each soldier two reales per day, each corporal three reales, and each sergeant four reales. When a detachment marched through a region, the commander was held personally responsible for any damage caused. During bimonthly firing practices officials provided free black soldiers with ten cartridges, distributed at the time of the formation so that the bullets were not lost or misused. The same practice held true for rifles; only in actual campaigns were they distributed for long durations of time. The overall philosophy of the Spanish crown was that although all vassals were born with a definite obligation to serve the king and defend the empire, the utility of any military force depended more on its quality, discipline, subordination, and honor than on its mere numbers.

The 1801 reglamento granted all free black militiamen the fuero militar on an equal basis with the regular troops. This privilege was intended to augment their prestige as valuable members of the "distinguido servicio de las armas." In particular, free pardo and moreno militia officials were to be treated with respect: no one, including a white person, was permitted to abuse them through word or action. After twenty years of militia service free black officers could retire and continue to earn the fuero for the rest of their lives. Time served in actual battle counted as double toward retirement. If a militiaman was crippled or mutilated in the line of duty, he merited not only the fuero, but also the sueldo de inválidos (salary of an invalid) for his remaining years, and if he died, the crown provided his wife and children with an invalid's salary for four years, renewable with royal permission. Although officers received a fixed salary, sergeants, corporals, and soldiers only earned wages during active combat. To attain

officer rank, soldiers had to advance through the hierarchy, except when combat offered opportunities for advancement through distinguished and notorious acts of valor.

For those militiamen who acted disgracefully rather than valiantly, retribution was swift and harsh. Punishments occasionally varied by rank, color, and social status. The reglamento carefully outlined the penalties incurred by noncommissioned officers for unsavory conduct, but rarely mentioned punishments for officers. Spanish administrators trusted officers, even free black ones, more than enlisted men and commonly dealt with each case of officer misconduct on an individual basis. Noncoms and soldiers, regardless of color, were condemned to death if they deserted to the enemy and to two years of public work if they took a leave without permission. Punishment for buying any personal effect, piece of clothing, or ornament associated with the militia varied according to social standing: a noble person paid two hundred ducats, whereas a plebeian or commoner suffered four years of forced labor for the crown. A militiaman who upon retirement lost the fuero militar could not continue to use his uniform, staff, or any other military distinction. If he violated this regulation, he suffered a one-month jail sentence; for the second offense he served two months in jail and relinquished the staff and uniform. Colonial administrators applied proceeds from sales of confiscated uniforms to the support of

impoverished prisoners. Each militia member could marry whom he chose without royal permission or license, the only stipulation being that he notify one of his superiors. If the woman he married, however, became unworthy due to her scandalous behavior, the militiaman faced dismissal. The ultimate disgrace that could befall an officer consisted of failure to control and discipline his troops, or cowardice in actions of war. Such foibles constituted incontestable proof of the officer's lack of esprit de corps and inability to command military forces.

The reglamento concluded with a description of wavs in which free pardo and moreno militiamen could qualify for awards of distinguished merit. Rewards, like punishments, varied by rank. Colonial administrators could recommend to the crown commendation of an officer for: defeat of an enemy with only two-thirds the number of troops; retreat with permission in the presence of a vastly superior, welldisciplined enemy; detainment of a superior force due to choice of a favorable position; capture of a battery that defended the post entrusted to it until, through deaths and injuries, two-thirds of the enemy forces were lost: seizure of the enemy's flank by means of talent, skill, and guick wit; success at being the first man to jump a trench, climb a breach, or scale a rampart of the enemy; attainment of a very advantageous position due to the discipline of one or many regiments and the molding of worthy officers. A

sergeant or soldier merited distinction by: performing his duty for long duration with one or more wounds; being the first to climb a breach, jump within a trench or fort, take a flag, break the enemy battalion or squadron, or take possession of the enemy battery; saving the life of one or many of his companions, in particular that of an officer; combating two of the enemy and taking them prisoner; not surrendering to three enemies until wounds made further defense impossible; taking prisoner some officer of note.

The reglamento represented the culmination of a long developmental process occurring in the free black militias of New Orleans. During the era of Spanish rule in Louisiana the free militia of color grew in both size and prestige, as seen in Chapter 4.

Notes

¹See Lyle N. McAlister's definition of urban and provincial militias in his "Reorganization of the Army of New Spain, 1763-1767," <u>Hispanic American Historical Review</u> 33:1 (February 1953): 4.

²Holmes, <u>Honor and Fidelity</u>, p. 51.

³Kuethe, "Status of the Free Pardo," p. 113.

⁴AGI SD 2553, 12 June 1789.

⁵AGI PC 160-A, 1 September 1801.

⁶"Reglamento para las Milicias de Infantería...," AGI PC 160-A, f. 312-35, 13 April 1801. Some of these ordinances included royal orders found in AGI SD 2566, 12 December 1796 and 18 January 1797 and in AGI SD 2568, 21 August 1797.

 $^7 \rm{For}$ example, see tables of officials and enlisted personnel, AGI PC 160-A, 1 May 1801.

 $^8{\rm This}$ description differs from the one given by McConnell "Louisiana's Black Military History," p. 38.

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Mav	1991

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